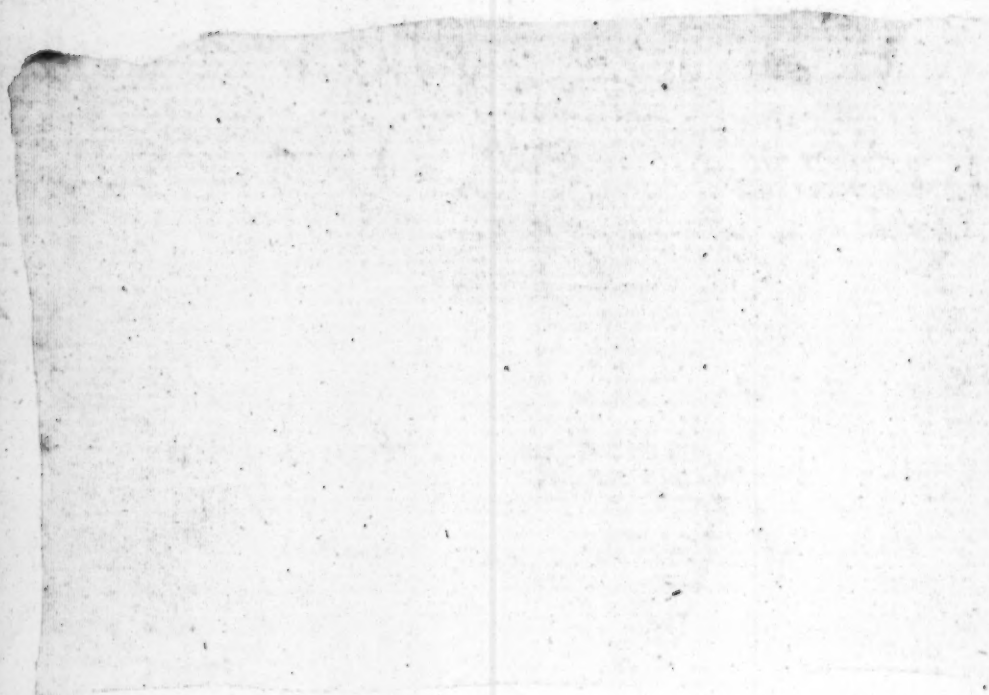


When the com<sup>r</sup> signs the affidavit of debt, it  
states as an allowance, to wit: in the creditor to  
for expenses; but not conclusively, as to prevent a  
further & inquiring on making a dividend. If the com<sup>r</sup>  
are doubtful about g<sup>t</sup> debt, they may receive at all  
in which case it is entered specially as such.

States not in this volume.

G. G. 2.





J. Hargrave

30 Nov. 1795. My dear Sir

I understand from my friend Mr. May that according  
to the current opinion of Chancery proceedings a debt  
incurred prior to petitioning is not a debt <sup>if there is any doubt</sup> in the  
event any loan made in the hands of a debtor <sup>is</sup> a debt <sup>as</sup>  
owed to the act of bankruptcy; & that it is now depend-  
ing question before the Lord Chancellor, whether  
it be not so, even tho' there is no unsatisfied  
debt due prior to the act of bankruptcy. Now  
I still think, that this point deserves much  
consideration.



15 J. 6

THE  
**Statutes at Large**  
Concerning 515. 6. 3.  
**BANKRUPTS,**

Containing  
A Compleat Collection of all  
such Acts of Parliament as  
in any wise relate to  
BANKRUPTS.

To which is added,  
A TABLE by way of ABSTRACT of  
all the aforefaid Acts, digested un-  
der proper HEADS.

---

L O N D O N.:

Printed by *Mark Baskett*, Printer to the King's most Ex-  
cellent Majesty; and by the Assigns of *Robert Baskett*.

M.DCC.LXV.

70





## ADVERTISEMENT.



THE Reader is desired to take Notice, That the following Sheets contain a Collection, not only of the Acts of Parliament now in Force and Use, but also of all those that have been made for the Relief of the unfortunate, and the Punishment of fraudulent BANKRUPTS; proper References being made to subsequent Statutes, whereby any of the former, which had by Experience been found to be defective, doubtful, inconvenient, useless, or of Benefit and Advantage to the Publick, have been altered, amended, explained, repealed, or continued.

THE Reader may likewise further observe, That the Table which is added

at the End of this Collection, directs chiefly to such Statutes, and Clauses in Statutes, as are now in Force ; and is in the Nature of an Alphabetical Abstract of the whole Statute-Law as it at present stands, relating to Bankrupts.

(a) *This preamble imports, that the Statute was made wholly in favour of Creditor*



A Collection

b



# A Collection of all the Statutes made against or concerning BANKRUPTS.

34 & 35 Hen. 8. Cap. 4.

An Act against such Persons as do make Bankrupt.

**W**HERE divers and sundry Persons, craftily Cap. IV.  
obtaining into their Hands great Substance of  
other Mens Goods, do suddenly flee to Parts  
unknown, or keep their Houses, not minding to  
pay or restore to any their Creditors, their Debts and Du-  
ties, but at their own Wills and Pleasures consume the Sub-  
stance obtained by Credit of other Men, for their own Plea-  
sure and delicate Living, against all Reason, Equity, and  
good Conscience: Be it therefore enacted by the Authority  
of this present Parliament, That the Lord Chancellor *Lord Chancellor or keeper,*  
of England, or Keeper of the Great Seal, the Lord Treas- *Lord treasurer, lord chan-*  
urer, the Lord President, Lord Privy Seal, and other *-sident, lord privy seal*  
of the King's most honourable Privy Council, the Chief  
Justices of either Bench for the time being, or Three of  
them at the least, whereof the Lord Chancellor or Keeper  
of the Great Seal, Lord Treasurer, Lord President, or  
the Lord Privy Seal, to be one, upon every Complaint  
made to them in Writing by any Parties grieved, con-  
cerning the Premises, shall have Power and Authority  
by virtue of this Act, to take by their Wisdoms and  
Discretions, such Order and Directions, as well with *Orders.*  
the Bodies of such Offenders aforesaid, wheresoever they  
may be had, or otherwise, as also with their Lands, Te-  
nements, Fees, Annuities, and Offices, which they have  
in Fee-simple, Fee-tail, Term of Life, Term of Years,  
B or

## Statutes at Large made against

34. &amp; 35. Hen. 8. c. 4.

Sale.

to my opin<sup>n</sup>  
 13. Feb. 1807.  
 At the against  
 extending the  
 bankrupt pro-  
 visions to  
 property real  
 or personal  
 of which  
 the bankrupt  
 is a mere  
 trustee. &c.

Process.

or in the Right of their Wives, as much as the Interest, Right, and Title of the same Offender shall extend or be, and may then lawfully be departed with, by the said Offender, and also with their Money, Goods, Chattles, Wares, Merchandizes, and Debts wheresoever they may be found or known. And to cause their said Lands, Tenements, Fees, Annuities, Offices, Goods, Chattels, Wares, Merchandizes, and Debts, to be searched, viewed, rented, and appraised, and to make sale of the said Lands, Tenements, Fees, Annuities, and Offices, as much as the same Offender may then lawfully give, grant, or depart with, or otherwise to order the same, for true Satisfaction and Payment of the said Creditors; that is to say, To every of the said Creditors, a Portion, Rate and Rate like, according to the Quantity of their Debts. And that every Direction, Order, Bargain, Sale, and other Things done by the said Lords, authorized as is aforesaid, in Writing signed with their Hands, by Authority of this Act, shall be good and effectual in the Law to all Intents, Constructions, and Purposes against the said Offenders, their Heirs and Executors for ever, as though the same Order, Direction, Bargain and Sale had been made by the said Offender or Offenders, at his or their own free Will and Liberty, by Writing indented, enrolled in any the King's Courts of Record.

2. And be it also further enacted by the Authority aforesaid, That if after any such Act or Offence committed, and Complaint thereof made to the said Lords, as is aforesaid, any Party grieved concerning the Premises, knowing, supposing, or suspecting any of the Goods, Chattels, Wares, Merchandizes, or Debts of such Offender or Offenders, to be in Custody, Use, Occupying, Keeping, or Possession of any Person or Persons, or any Person or Persons to be indebted to any such Offender or Offenders, do make Relation thereof to the said Lords, to whom Authority is given by this present Act, as is aforesaid, that then the said Lords shall by virtue hereof have full Power and Authority to send for and convent afore them, by such Process, Ways or Means, as they shall think convenient, by their Discretions, all and every such Person and Persons so known, supposed, or suspected to have any such Goods, Chattels, Wares, Merchandizes, or Debts, in his or their Custody, Use, Occupation, Keeping, or Possession, or supposed or suspected to be indebted to such Offender or Offenders:

And

And upon their Appearance, to examine them and every Examination.  
of them, as well by their Oaths as otherwise, by such  
Ways and Means, as the said Lords by their Discre-  
tions shall think meet and convenient, for and upon the  
Specialty, Certainty, true Declaration, and Knowledge,  
of all and singular such Goods, Chattles, Wares, Mer-  
chandizes, and Debts, of any such Offenders, as be sup-  
posed or suspected to be in his or their Custody, Use,  
Occupation, or Possession, and of all such Debts as  
by them, or any of them, shall be supposed or sus-  
pected to be owing to any such Offender. And if any  
such Person or Persons upon such Examination do not Concealment:  
disclose, plainly declare, and shew the whole Truth of  
such Things as he or they shall be examined of, con-  
cerning the Premises; then every such Person or Per-  
sons so examined, and not declaring the plain and whole  
Truth, concerning the Premises, upon due Proof there-  
of to be made before the said Lords therefore autho-  
rized, as is aforesaid, by Witness, Examination, or  
otherwise, as to the same Lords shall seem sufficient in  
that Behalf, shall lose and forfeit Double the Value of all Forfeit.  
such Goods, Chattles, Wares, Merchandizes, and Debts  
by them or any of them so concealed, and not wholly  
and plainly declared and shewed; which Forfeitures  
shall be levied and recovered by the said Lords having  
Authority as is aforesaid, by such Ways and Means  
as to them shall seem requisite and convenient. And the  
same Forfeiture to be distributed and imployed to and  
for the Satisfaction and Payment of the Debts of the  
said Creditor or Creditors, in such like Manner, Rate,  
and Form, as is above declared concerning the ordering  
of the Goods and Chattles of the said Offenders, keep-  
ing their Houses, or flying to Places unknown, as is  
aforesaid.

3. And be it also further enacted by the Authority afore-  
said, That if after any such Person or Persons shall  
keep his or their Houses, or flee to Parts unknown,  
as is aforesaid, any Person or Persons do fraudulently,  
by Covin or Collusion, claim or demand any Debt, Claim.  
Duty; or other Thing, by Writing or otherwise, of  
any such Offender or Offenders, other than such as  
he or they can and do prove to be due by Right  
and Conscience, in form aforesaid, before the said  
Lords having Authority by this present Act, as is a-  
foresaid, and the same to proceed *bona fide*, without  
Fraud

## Statutes at Large made against

34. &amp; 35. H. 8. c. 4.

Fraud or Covin: That then every such Person and Persons, so craftily demanding or claiming any such Debt, Duty, or other Thing, as is aforesaid, shall forfeit and lose Double as much as he or they shall so claim or demand. And the same Forfeiture to be levied, recovered, and imployed, in Manner and Form as is afore rehearsed.

## Collusions.

4. And be it also further enacted by the Authority aforesaid, That if any such Person or Persons, which shall keep his or their Houses, or flee to Parts unknown, as is aforesaid, or intend to delay or defraud their Creditors deceitfully by Covin or Collusion, suffer or cause any other Person or Persons to recover against him or them any Debts, Goods, Chattles, Wares, or Merchandizes, without just Cause and Title so to do, proceeding *bona fide*, without Fraud or Covin, that then upon Complaint thereof made to the said Lords having Authority by this present Act, as is aforesaid, the same Lords shall have Power and Authority by virtue hereof to convent and call before them the said Recoverer or Recoverers, and after such Fraud, Deceit, Covin, or Collusion, shall plainly appear, or be duly proved before the said Lords authorized as is aforesaid, all the said Goods and Chattles of the said Offender so recovered, shall be chargeable, imployed, ordered, and delivered toward the Payment of the True and Due Debts of the said Creditor, after the Manner, Form, and Rate, as is afore specified, by the Discretion of the said Lords, having Authority by this present Act, the aforesaid false and feigned Recoveries notwithstanding, so that always such false and feigned Recoveries shall not be in Force, or any Execution thereby had of or upon any Goods, Chattles, Lands, or Tenements of any such Offender or Offenders, until such Time as all his or their True and Due Debts and Duties shall be fully satisfied, contented, and paid to his or their Creditors. And nevertheless after that the said true Debts and Duties shall be fully satisfied and paid, as is aforesaid, as well the Body of the said Offender, as his Lands, Tenements, Goods, and Chattles, shall be charged and liable to the Execution of the said Recovery, according to the Tenor, Force, and Effect of the same.

## Execution.

5. And be it also enacted by the same Authority, That



# or concerning Bankrupts.

34. N 95. H. O. C. 4.

5

if any such Person or Persons, which shall be indebted, do withdraw himself out of this Realm, and other the King's Dominions, into any foreign Realm, or Country, to the intent thereby to abide and remain, in Defraud of his Creditors; That then upon Complaint in Writing concerning the Premises thereof made to the said Lords having Authority, as is aforesaid, the same Lords shall, by Virtue and Authority of this present Act, have full Power and Authority to award Proclamations to be made in such Places, as to them shall be thought meet and convenient, commanding by the same such Offender in the King our Sovereign Lord's Name, to return with all convenient Speed into this Realm, and to yield his Body before the said Lords, having Authority as is aforesaid, or One of them. And if the said Person within Three Months next after he shall have Knowledge of such Proclamation, or as soon after as he conveniently may, do not repair and yield his Body as is aforesaid, that then the Body of all and every such Offender and Offenders shall be judged, taken, and deemed, to all Intents and Purposes, out of the King's Protection, and that also all Goods, Chattles, Lands, Tenements and Debts of every such Offender shall be by the Order and Discretion of the said Lords employed and distributed amongst his Creditors equally and indifferently, Rate for Rate, in like Manner and Form as is afore declared. And that also every Person or Persons, that shall willingly help to aid, imbezil, or convey any such Person or Persons, their said Goods, Chattles, Wares, or Merchandizes, out of this Realm, and other the King's Dominions, into any foreign Realm or Place, knowing the said Person or Persons to depart or withdraw themselves, or convey their said Goods, Chattles, Wares, and Merchandizes, for the Cause and Intent aforesaid, shall suffer such Pains by Imprisonment of their Bodies, or pay such Fine to our Sovereign Lord the King, His Heirs, or Successors, as to the said Lords, having Authority by virtue of this present Act, shall seem meet and convenient for their said Offence or Offences.

6. Provided always, and be it enacted by the Authority aforesaid, That if the Creditors of any such Offender or Offenders, which shall keep his or their

B 3

House

*not full rate of his share like ready money due or to be paid as before. This provision repeated in 13. Eliz. But 13. But now after we calculate the bankrupt is discharged from all debts due at the time of the bankruptcy Act 21.*

## Statutes at Large made against

34. &amp; 35. H. 8. c. 4.

House or Houses, or which shall absent or withdraw themselves into Places unknown, for the Cause aforesaid, be not fully satisfied and paid, or otherwise contented, for their Debts and Duties, by the Ways and Means afore specified and declared, that then the said Creditor and Creditors, and every of them, shall and may have their Remedy for the Recovery and Levying of the Residue of the same Debts or Duties, whereof they shall not be fully satisfied and paid, or otherwise contented, in Form aforesaid, against the said Offender or Offenders, in like Manner and Form as they should or might have had, before the making of this Act. And that the said Creditor, and Creditors, and every of them, shall be only barred and excluded, by virtue of this Act, of and for all and every such Part and Portion of the said Debts and Duties, as shall be paid, satisfied, distributed, or delivered unto him or them by the said Lords, having Authority as is aforesaid, and of no more Portion or Parcel thereof, any Thing herein specified, that may be taken or construed to the contrary notwithstanding.

*But this Act is entirely altered by the subsequent Statutes.*

## 13 Eliz. Cap. 7.

Who is a Bankrupt, how and by whom his Body, Lands and Goods, shall be ordered for Payment of the Creditors.

38 H. 8. 3.  
Co. Inst. 4.  
Pag. 277.  
Cro. El. 13.  
pl. 6.

**F**Orasmuch as notwithstanding the Statute made against Bankrupts in the 34<sup>th</sup> Year of the Reign of our late Sovereign Lord King Henry the Eighth, those Kind of Persons have and do still Increase into great and excessive Numbers, and are like more to do, if some better Provision be not made for the Repression of them: And for a plain Declaration to be made and set forth, who is and ought to be taken and deemed for a Bankrupt: Therefore be it enacted and established



## or concerning Bankrupts.

19. Eliz. c. 7.

established by the Authority of this present Parliament, That if any Merchant, or other Person, using or exercising the Trade of Merchandize, by way of Bargaining, Exchange, Rechange, Bartry, Chevifance, or otherwise, in Gross or by Retail, or seeking his or her Trade of living, by Buying and Selling, and being Subject born of this Realm, or of any the Queen's Dominions, or Denizen, sithence the First Day of this present Parliament, hath or at any Time hereafter shall depart the Realm, or begin to keep his or her House or Houses, or otherwise to absent him or herself, or take Sanctuary, or suffer him or herself willingly to be arrested for any Debt or other Thing, not grown or due for Money delivered, Wares sold, or any other just or lawful Courfe, or good Consideration or Purposes, hath or will suffer him or herself to be outlawed, or yield him or herself to Prison, or Depart from his or her Dwelling House or Houses, to the Intent or Purpose to defraud or hinder any of his or her Creditors, being also a Subject born, as is aforesaid, of the just Debt or Duty of such Creditor or Creditors, shall be reputed, deemed, and taken for a Bankrupt.

Who shall be deemed a Bankrupt. 24.

Aliens included. 32.

2. And be it enacted by the Authority aforesaid, That the Lord Chancellor of England, or Lord Keeper of the Great Seal of England, for the time being, upon every Complaint made to him in Writing, against such Person or Persons being Bankrupt, as is before defined, shall have full Power and Authority, by Commission under the Great Seal of England, to name, assign, and appoint, such wise and honest, discreet Persons, as to him shall seem good: Who or the most Part of them, by virtue of this Act and of such Commission shall have full Power and Authority to take by their Discretions such Order and Direction, with the Body and Bodies of such Person, wheresoever he or she may be had, either in his or her House or Houses, Sanctuary, or elsewhere, as well by Imprisonment of his or her Body or Bodies, as also with all his or her Lands, Tenements, Hereditaments, as well Copy or Customary-hold, as Freehold, which he or she shall have in his or her own Right, before he or she became Bankrupt, and also with all such Lands, Tenements, and Hereditaments, as such Person shall have purchased, or obtained, for Money,

The Lord Chancellor may grant a Commission to take order for Bankrupts Bodies, Lands, and Goods.

The Authority of the Commissioners.

Property of the bankrupt and his estate described. See 21. Ja. 1. c. 5. 13. 1. 1. part 10. 5. 4. 2. c. 30. 4. part 108.

(H) The doctrine as to the husband's power over the wife's property is now settled. At law he cannot assign it. But in equity he can, if for a valuable consideration, and both on an assign a man & a wife. **Statutes at Large made against**

bankruptcy of the husband, a wife of equity will exact a provision for the wife if she has none, & the husband can not get at his own money.

132. As to the wife's time of her husband's death. 3. R. W. m.

132. As to the wife's time of her husband's death. 3. R. W. m.

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132. As to the wife's time of her husband's death. 3. R. W. m.

Money or other Recompence, joyntly with his Wife, Children or Child, to the only Use of such Offender or Offenders, or of or for such Use, Interest, Right, or Title, as such Offender or Offenders then shall have in the same, which he or she may lawfully depart withal, or with any Person or Persons of trust to any secret Use of such Offender or Offenders, and also with his or her Money, Goods, Chattles, Wares, Mercandizes and Debts, wherefoever they may be found or known, and cause the said Lands, Tenements, Fees, Annuities, Offices, Goods, Chattles, Wares, Merchandizes, and Debts, to be searched, viewed, rented, and appraised to the best Value they may, and by Deed indented, inrolled in One of the Queen's Majesty's Courts of Record, to make sale of the said Lands, Tenements, and Hereditaments, and of all Deeds, Writings, and Evidences, touching only the same, belonging to such Offender or Offenders, Debtor or Debtors; and also of all Fees, Annuities, Offices, Goods, and Chattles, or otherwise to order the same for true Satisfaction and Payment of the said Creditors; that is to say, To every of the said Creditors, a Portion, Rate like, according to the Quantity of his or their Debts: And that every Direction, Order, Bargain, Sale, and other Thing done by the said Persons so authorized, as is aforesaid, shall be good and effectual in the Law, to all Intents, Constructions, and Purposes, against the said Offender or Offenders, Debtor or Debtors, his or their Wife or Wives, Heir or Heirs, Child and Children, and such Person and Persons, as by such joynt Purchase with the said Offender or Offenders, as is aforesaid, have or shall have any Estate or Interest in the Premisses, and against all other Person or Persons claiming by, from, or under such Offender or Offenders, Debtor or Debtors, by any Act or Acts had, made or done after any such Person shall become Bankrupt, as is aforesaid, and also against the Lords of the Manors, whereof the said Copy-hold or Customary-lands been holden, their Heirs, Successors, and Assigns, and every of them.

Against what Persons the Commissioners Sale of a Bankrupt's Lands, Goods, &c. shall be available. Vendees of Copy-hold-lands shall compound with the Lord of the Manor for their Fines.

3. Provided always, and be it enacted by the Authority aforesaid, That all and every Person or Persons, to whom any such Sale of Copy-hold or Customary-lands or Tenements shall be made, shall, before such Time as they or any of them shall enter or take any Profit

Since the giving a sanction to the charge of assignees, it is become material to postpone their bargain & sale of the bankrupt's property till a purchaser has been found; for otherwise a double fine accrues to the Lord, one on admission of the assignees, another on the admission of the

# or concerning Bankrupts.

9

13. Eliz. 3. c. 7.

profit of the same Lands or Tenements, agree and compound with the Lords of the Manors, of whom the same shall be holden, for such Fines or Incomes, heretofore hath been most usual and accustomed to be yielded or paid therefore: And that upon every such agreement or Composition, the said Lords for the time being, at the next Court to be holden at or for the said Manors, shall not only grant unto the said *Vendee* or *Vendee's*, upon Request, the same Copy or Customary-lands, Tenements, by Copy of Court Roll of the same Manors, for such Estate or Interest as to them shall be so sold, and reserving the ancient Rents, Customs, and Services; but also in the same Court admit them Tenants of the same Copy or Customary Lands, as other Copyholders of the same Manors have been wont to be admitted, and to receive their Fealty accordingly.

Provided always, and be it enacted by the Authority aforesaid, That such of the said Commissioners, as shall put the said Commission in Execution, shall, upon a lawful Request to them made by the said Bankrupts, not only make a true Declaration to the same Bankrupt, of the imploying and bestowing of their said Lands, Tenements, Offices, Fees, Goods, Chattles, and Debts so paid and satisfied, to their said Creditors, but also make Payment of the Overplus of the same, if any such shall be, to the said Bankrupts, their Executors, Administrators, or Assigns.

And be it further enacted by the Authority aforesaid, That if after any such Act or Offence committed, and Complaint thereof made to the said Commissioners to be appointed, as is aforesaid, or the more Part of them, by any Party grieved, as is aforesaid, concerning the Premises, knowing, supposing or suspecting any of the Goods, Chattles, Wares, Merchandizes, or Debts of such Offender or Offenders, Debtor or Debtors, to be in the Custody, Use, Occupying, keeping, or Possession of any Person or Persons; or any Person or Persons to be indebted to any such Offender or Offenders; do make relation thereof to the said Commissioners so to be appointed, or the more Part of them: That then the said Commissioners, or the most Part of them, shall by virtue thereof, and of the said Commission, have full Power and Authority to send for, and call before them,

The Commissioners shall declare to the Bankrupt how they have bestowed his Lands and Goods.

The Remedy where Goods or Debts of Bankrupts be in the Hands of others.

See post. 19.

by



## Statutes at Large made against

*13 Eliz. c. 7.*  
 by such Process, Ways or Means, as they shall thin  
 convenient by their Discretions, all and every such  
 Person or Persons so known, suspected, or supposed to  
 have any such Goods, Chattles, Wares, Merchandizes,  
 or Debts, in his or their Custody, Use, Occupation,  
 Keeping or Possession, or supposed or suspected to  
 be indebted to such Offender or Offenders, and  
 upon their Appearance, to examine them, and every  
 of them, as well by their Oaths as otherwise, by  
 such Ways and Means as the said Commissioners, or  
 the more Part of them by their Discretions shall thin  
 meet and convenient, for and upon the Speciality,  
 Certainty, true Declaration and Knowledge of all and  
 singular such Goods, Chattles, Wares, Merchandizes  
 and Debts of any such Offender or Offenders, as be  
 supposed or suspected to be in his or their Custody,  
 Use, Occupation, or Possession, and all such Debts, as  
 by them shall be supposed or suspected to be owing to  
 any such Offender or Offenders.

The Penalty  
 of such as be  
 examined, that  
 will not dis-  
 close the  
 Truth, or re-  
 fuse to swear.

And if any such Person or Persons, upon Examination, do not disclose and plainly declare and shew the whole Truth of such Things, as he or they shall be examined of concerning the Premises, to his Knowledge, or do deny to swear, then every such Person or Persons so denying to swear, or being examined do not declare the plain and whole Truth concerning the Premises, upon due Proof thereof to be made before the said Commissioners, or the more Part of them so to be appointed, as is aforesaid, by Witnesses, Examination, or otherwise, as to the said Commissioners, or the more Part of them, shall see sufficient in that Behalf, shall lose and forfeit Double the Value of all such Goods, Chattles, Wares, Merchandizes, and Debts, by them or any of them concealed, and not wholly and plainly declared and shewed: Which Forfeiture shall be levied by the said Commissioners, or the more Part of them, of the Lands, Tenements, Hereditaments, Goods, and Chattles, of such Person so denying to swear, or not disclosing the whole Truth, as is aforesaid, by such Ways and Means, and in such Manner and Form as is before limited and appointed for the principal Offender or Offenders, Debtor or Debtors; and the same Forfeiture or Forfeitures, to be distributed and employed to and for the Satisfaction and Payment

How the Forfeiture shall be recovered and employed.

## or concerning Bankrupts.

II

13. Eliz. c. 7.

the Debts of the said Creditor or Creditors, in such like Manner, Rate, and Form, as is before rehearsed, concerning the ordering of the Lands and Tenements, Offices, Fees, Goods and Chattles of such Offender or Offenders, Debtor or Debtors, as is afore-  
said.

And be it further enacted, That if at any Time before or after that any such Person or Persons departeth the Realm, or shall keep his or their House or Houses, or otherwise absent him or themselves, or take Sanctuary, or suffer him or themselves to be arrested, outlawed, or yield his or their Bodies to prison, as is afore-  
said; any Person or Persons do fraudulently, by Covin or Collusion, Claim, Demand, recover, possess, or detain any Debts, Duties, Goods, Chattles, Lands, or Tenements, by Writing, Trust, or otherwise, which were or shall be due, belonging or appertaining to any such Offender or Offenders, other than such as he or they can and do prove to be due by Right and Conscience in form afore-  
said, or Money paid, Wares delivered, or other just Consideration or Cause reasonable, to the just Value thereof, before the said Commissioners so to be appointed, the more Part of them, as is afore-  
said, and the same to proceed (*bona fide*) without Fraud or Covin: That then every such Person or Persons, so craftily demanding, claiming, having, possessing, or detaining any such Debt, Duty, or other Thing as is afore-  
said, shall forfeit and lose Double as much as he or they shall so claim, demand, detain, or possess; which said Forfeiture shall be levied, recovered, and employed in Manner and Form as is afore rehearsed.

A Remedy  
against them  
which do de-  
tain the Goods  
of Bankrupts.

Provided also, and be it enacted by the Authority afore-  
said, That if it shall fortune the Creditors of any such Bankrupt, as is afore-  
said, to be satisfied and paid off their Debts and Duties, of or with the proceeds of the said Bankrupts, or of or with the same, and some Part of the Forfeitures of the said Double Values, to be forfeited, as is afore-  
said, and that there shall remain an Overplus of the said Forfeiture of the said Double Values: That then the One Moiety of the said Overplus of the said Forfeitures of the double Values so remaining, shall be by the said Commissioners so executing the said Commission, within con-  
venient

How the For-  
feitures shall  
be bestowed  
after the Bank-  
rupts Debts be  
paid.

13. Eliz. 2. 7.  
 venient Time after the levying thereof, paid unto the Queen's Majesty, Her Heirs and Successors; and the other Moiety thereof shall be by the said Commissioners imployed and distributed to and amongst the Poor within the Hospitals in every City, Town, or County, where any such Bankrupt shall happen to be; any thing in this Act to the contrary thereof notwithstanding.

A Remedy against him which withdraweth himself from his Dwelling-place.

The Penalty of a Bankrupt not yielding himself after Proclamation, and of such as do hide or receive him.

And be it further enacted by the Authority aforesaid, That if any such Person or Persons, which is or shall be indebted, do of purpose withdraw him or themselves out of or from his or their usual Mansion House or Houses: That then upon Complaint thereof made to the said Commissioners, having Authority, as is aforesaid, the same Commissioners, or the more Part of them, shall by Virtue and Authority of this present Act, have full Power and Authority to award Five Proclamations to be made, in the Queen's Name, upon Five sundry Market Days, in such Places near the Place where such Bankrupt hath most commonly dwelled or made his Abode, commanding him or them by the same Proclamation in the Queen's Name to return with all convenient Speed and to yield his or their Body before the said Commissioners, having Authority as is aforesaid, or One of them, at such Time and Place, as by the said Proclamation shall be appointed: And if the said Person do not according to such Proclamation repair and yield his or their Body, as is aforesaid; that then the Body of all and every such Offender or Offenders shall be adjudged, taken, and deemed to all Intents and Purposes out of the Queen's Protection: And that also every Person and Persons, that shall willingly and wittingly help to hide or convey, or shall willingly receive, detain, or keep secretly any Person or Persons so demanded by Proclamation, as is aforesaid, shall suffer such Pains by Imprisonment of his or their Bodies, or pay such Fine to our Sovereign Lady the Queen's Majesty, Her Heirs and Successors, as to the Lord Chancellor, or Lord Keeper of the Great Seal (being informed thereof by the Commissioners so to be appointed as is aforesaid, or the more Part of them) shall seem meet and convenient, for their said Offence or Offences.

Provided



# or concerning Bankrupts.

13

13. Eliz. c. 7.

Provided always, and be it further enacted, That if A Remedy for the Creditor, if he be not satisfied of his whole Debt. *See ante 5. Report 41.*  
 the Creditors of any such Offender or Offenders, Debtor or Debtors, which so do depart the Realm, keep his or their House or Houses, or otherwise absent or withdraw him or themselves into Places unknown, or take sanctuary, or will suffer him or themselves to be arrested or outlawed, or yield his or their Bodies into Prison purposefully, and for the Causes aforesaid, be not fully satisfied, or otherwise contented for their Debts and Duties by the Ways and Means before specified and declared: That then the said Creditor or Creditors, and every of them, shall and may have their Remedy for the Recovery and Levying of their said Debts or Duties whereof they shall not be fully satisfied, paid, or otherwise contented, in Form aforesaid, against the said Offender or Offenders, in like Manner and Form as they should and might have had before the making of this Act. And that the said Creditor or Creditors, and every of them, shall be only barred and excluded, by virtue of this Act, of and for every such Part and Portion of the said Debts and Duties, as shall be paid, satisfied, distributed, or delivered unto him or them by Order of the said Persons, as is aforesaid, and of no more Portion or Parcel thereof; any thing herein specified that may be taken or construed to the contrary notwithstanding.

Provided always, and be it further enacted by the Lands, &c. *See 2. Hen. 1267. & which he purchased, or do descend to a Bankrupt, &c. declaration of bankruptcy, before full payment of his debts, in being sworn against for. See post. 112. See Ant. 630.*  
 Authority aforesaid, That if any Person or Persons, which is or shall be punished and declared to be a Bankrupt by virtue of this Act, shall at any Time after purchase any Lands, Tenements, Hereditaments, Free Copy, Offices, Fees or Goods, or Chattles: Or that any Lands, Tenements, Hereditaments, Free or Copy, Offices, Fees, Goods, or Chattles shall descend, revert, or by any Means come to any such Person or Persons, being Bankrupts, as is aforesaid, before such Time as their Debts due to their Creditors shall be fully satisfied and paid, or otherwise agreed for: That then the said Lands, Tenements, Hereditaments, as well Free Copy, Offices, Fees, Goods and Chattles, shall by virtue of this Act, by the said Commissioners to be appointed, as is aforesaid, or the more Part of them, be bargained, sold, extended, delivered, and used for and towards the Payment of the said Creditors, in such like Manner

## Statutes at Large made against

<sup>13. Eliz. 2: 7.</sup>  
Manner, and Form, as other the Lands, Tenements, Hereditaments, Free or Copy, Offices, Fees, Goods and Chattles, of the said Bankrupts, which they had when they were declared first to be Bankrupts, should or might have been bargained, sold, disposed, or used by virtue of this Act.

Lands conveyed away before the Party became Bankrupt <sup>not to be taken y. oth.</sup>  
<sup>\* Coke li. 2. fol. 26.</sup>

11. Provided always, That this Act shall not extend to any Lands, Tenements, or Hereditaments, Free or Copyhold, which heretofore have been assured by any such Bankrupt, or hereafter shall be assured by any Bankrupt before he become Bankrupt: So that always such Assurance be made <sup>a bona fide</sup>, and not to the Use of the Bankrupt himself only, or of his Heirs; and that the Parties, to whose Use such Assurance hath or shall be made, be not, at or before the making of such Assurance, privy or consenting to the fraudulent Purpose of any such Bankrupt, to deceive his Creditors. <sup>1 Jac. 15. 21 Jac. 19.</sup>

## 1 Jac. 1. Cap. 15.

## An Exposition and Addition to the Statute of Bankrupts, made 13 Eliz. 7.

34 H. 8. 5.  
13 El. 7.

**F**OR that Frauds and Deceits, as new Diseases, daily increase amongst such as live by buying and selling to the Hindrance of Traffick and mutual Commerce, and to the general Hurt of the Realm, by such as wickedly and wilfully become Bankrupts; and that for the Description of a Bankrupt in former Statutes is not so fully expressed, nor the Power given thereby to the Commissioners for Bankrupts so large, as is meet, in such Cases of Deceit, to prevent the deceitful Actions of Bankrupts:

Who shall be adjudged a Bankrupt.

<sup>Since 7. Nov. 24.</sup>

2. For Remedy whereof, be it therefore enacted by our Sovereign Lord the King, and by the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the

<sup>87. 92. 93. 94. 99. 100. 103. 132.</sup>  
<sup>87. 92. 93. 94. 99. 100. 103. 132.</sup>

1. Jan. 7. 15.

15

This case contains  
the principal de-  
scriptions of a book-  
out now in force.

Nov. 42. 2. P.M. 427.  
 4. B. w. v. 1. p.  
 467. v. 2. p.  
 427. 3. M. 47.  
 2. Black. Rep. 196.  
 4. Brown. Rep. 196.  
 317. Doug. Rep.  
 13. R. 50. 18

The like Commissions, Orders, Benefits, and Remedies, as be provided for Bankrupts by the Statute, &c.

[illegible]

## Statutes at Large made against

1. Jam. 1. c. 15.

ditaments, Fees, and Annuities, Offices, Goods, Chattels, Wares, Merchandizes, and Debts, in such like Manner and Form, as the same ought or might have been, if the Persons herein described to be Bankrupts had been described to be Bankrupts according to the Intent of the said former Statute.

New Creditors  
Partakers with  
the former.

And that it shall be lawful for any Creditors of the said Bankrupt, within Four Months after any such Commission shall be sued forth, and until Distribution shall be made by the said Commissioners for the Payment of the Bankrupt's Debt, as in such Cases hath been used, to partake and join with the other Creditors that shall sue forth any such Commission for Satisfaction and Payment of his, her, or their Debts, to him or them owing, without any Hindrance, Let, or Disturbance of any of the same Commissioners, or of any of the other Creditors of any such Bankrupts, the same Creditors so coming in to contribute to the Charges of the said Commission; and that if the Creditors come not in within Four Months then the Commissioners to have Power to distribute.

A Bankrupt  
conveying  
his Lands or  
Goods to o-  
thers, or trans-  
ferring his  
Debts into  
other Mens  
Names.

Be it further enacted, That if any Person, which hereafter is or shall be a Bankrupt, by Intent of this Statute, shall convey or procure, or cause to be conveyed to any of his Children, or other Person or Persons, any Manors, Lands, Tenements, Hereditaments, Offices, Fees, Annuities, Leases, Goods, Chattels, or transfer his Debts into other Mens Names except the same shall be purchased, conveyed, or transferred for or upon Marriage of any of his or her Children, both the Parties married being of the Years of Consent, or some valuable Consideration shall be in the Power and Authority of the Commissioners in this Behalf to be appointed, or the more Part of them, to bargain, sell, grant, convey, demise or otherwise to dispose thereof, in as ample Manner as if the said Bankrupt had been actually seized or possessed thereof, or the Debts were in his own Name of the like Estate or Interest to his or their own Use at such Time as he or she became Bankrupt; and that every such Grant, Bargain, Sale, Conveyance and Disposition of the said Commissioners, or of the greater Part of them, shall be good and available to all Intents, Constructions, and Purposes in the Law again

4 W. 70. 437. Sept.  
2 29. 49. Ver. Jan.  
12.



against the Offender or Offenders, his Heirs, Executors, Administrators, and Assigns, and such Children and Persons as shall be subject to this Statute, and against all other Person and Persons, claiming by, from, or under such Offender or Offenders, or such other Persons, to whom such Conveyance shall be made by the said Bankrupt, or by his Means or Procurement.

And for that the Practices of Bankrupts of late are so secret and so subtil, as that they can very hardly be found out or brought to light; and for that the former Statute, giving Power to the Commissioners to examine others than the Bankrupts, hath not fully or sufficiently authorized them to examine the said Bankrupt upon Oath: For Remedy whereof, be it further enacted by the Authority of this present Parliament, That the said Commissioners may call before them, or the greater Part of them, the said Bankrupt: and if upon lawful Warning left or made in Writing at Three several Times at the dwelling Place or House, where the said Bankrupt, Wife, or Family, for the most Part of his abode, lodge or remain, within One Year next before he, or they became Bankrupt, the said Bankrupt shall appear before the said Commissioners, or the greater Part of them, that then and from thenceforth it shall be lawful for the greater Number of the said Commissioners to appoint to proclaim the said Party a Bankrupt, at such publick Place or Places, where the said Commissioners or the greater Part of them, shall think meet, warning him, her, or them, to appear before them upon the said Commission, at some Time appointed: And that if upon Five several Proclamations made in some publick Place, the Party offending appear not before the said Commissioners, and yield his, or their Bodies to them, or some of them, the said Commissioners, or the greater Part of them, shall may award a Warrant to such fit Person or Persons as they think meet, to apprehend the Body and Bodies of the said Offender and Offenders, and to bring him, or them so offending before the said Commissioners, wheresoever the said Party or Parties offending may be found, in Place privileged or not, to be examined by the said Commissioners, or the greater Part of them.

In what Case he that doth withdraw himself shall be proclaimed a Bankrupt.

A Bankrupt to be apprehended which upon Warning refuseth to appear.

C

And

The Examination of a Bankrupt.

*See 28 p. 7.*

*With this power of exam<sup>n</sup> continue with the Commit<sup>t</sup> of time!*

A Bankrupt refusing to answer may be committed by the Comm<sup>rs</sup>.

The Punishment of a Bankrupt committing Perjury.

*See ante.  
9. June. 129.*

*1. Jam. 1. c. 15.*  
And that it shall be lawful for the said Commissioners, or the greater Part of them, to examine the said Offender or Offenders upon such Interrogatories touching the Lands, Tenements, Goods, Chattles, Debts, Bills, Bonds, Books of Account, and such other Things, as may tend to disclose his, her, or their Estate, or their secret Grants, Conveyances, and Eloigning of his, her, or their Lands, Tenements, Goods, Money, and Debts, as they shall think meet.

And that if therein the Offender or Offenders shall refuse to be examined, or to answer fully to every Interrogatory to him to be ministred by the said Commissioners, or the greater Part of them, it shall be lawful for the said Commissioners, or the greater Part of them, to commit the said Offender or Offenders to some strait or close Imprisonment, there to remain until he, she, or they shall better conform him or herself.

And that if upon his, her, or their Examination shall appear that he, she, or they have committed a wilful or corrupt Perjury, tending to the Hurt or Damage of the Creditors of the said Bankrupt, to the Value of Ten Pounds of lawful Money of England, above, the Party so offending shall or may thereof be indicted in any of the King's Majesty's Courts of Record, and, being lawfully convicted thereof, shall stand upon the Pillory in some publick Place by the Space of Two Hours, and have One of his Ears nailed to the Pillory, and cut off.

And whereas by the former Statute made in the said Thirteenth Year of the Reign of the late Queen Elizabeth, the Commissioners for Bankrupts have Power given to them to send for such Person or Persons as the Creditors shall know, suppose or suspect to have detained, or keep any Part of the Money, Goods, Chattles, or Debts of the said Offender or Offenders, or to be indebted to the said Offender or Offenders, to be examined by the said Commissioners, by the same Statute appeareth, but have not Good Means or Remedy, by Imprisonment or other Penalty, to procure the Person so sent for by them to appear before them, nor having appeared before them, to make answer upon his Oath to the said Interrogatories, as shall be ministred unto him by the said Commissioners, for and upon the Special Certificate



or concerning Bankrupts.

1. Jan. 9. 4:15.

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certainty, true Declaration, and Knowledge of such  
 Lands, Tenements, Hereditaments, Goods, Debts,  
 and other Things of any such Offender or Offenders,  
 be, or shall be, or which shall be suspected to be  
 in his Custody, Use, or Possession, or in the Custody,  
 Use, or Possession of any other to his Knowledge,  
 and of all Debts owing to or for the Benefit of such  
 Offender or Offenders, by himself or by any other  
 to his Knowledge, so as many Times a great Part  
 of the Offender or Offenders. Lands, Tenements,  
 Hereditaments, Goods, Chattels, or Debts, which  
 by the true Intent of the said Statute should be im-  
 ployed to the Satisfaction of the Creditors of the  
 Offender or Offenders, are concealed or detained in  
 the Hands of such Person and Persons, as refuse to  
 come, or, being come, refuse to be sworn before the  
 said Commissioners, to be examined in that Behalf,  
 to the great Encouragement of all Bankrupts and their  
 wicked Confederates and Accessaries, and to the great  
 Hindrance of the just Remedies of the Creditors of  
 the said Bankrupts for their true and just Debts to  
 them owing: For Remedy whereof, be it further  
 enacted by the Authority aforesaid, That if any Per-  
 son or Persons being known, supposed, or suspected  
 to have or detain any Part of the Lands, Tenements,  
 Hereditaments, Goods, Chattels, or Debts of the  
 said Bankrupt, or to be indebted to or for the Be-  
 nefit of the said Bankrupt, shall (after lawful warn-  
 ing to the said Person or Persons given to come  
 before the said Commissioners, or the greater Part  
 of them, to be examined according to the Intent of  
 the said Statute) refuse to come, or shall not come  
 before the said Commissioners at the Time appointed,  
 having no lawful Impediment (such as shall be ad-  
 mitted and allowed of by the said Commissioners, or  
 the more Part of them, and which shall be then  
 signified or made known to the said Commissioners  
 at the Time of their Assembly) or that any such Per-  
 son or Persons, having Knowledge or Warning of  
 any other Assembly or Meeting of the said Commis-  
 sioners again, shall not come and appear before them  
 at such Time, as he or she lawfully may come, having  
 no such lawful Impediment as shall be then made  
 known to the said Commissioners, and by them ad-  
 mitted and allowed of as aforesaid, or being come  
 before

Examination  
of such as have  
Bankrupts  
Goods, or be  
indebted unto  
them, 11. 22

Lancaster, whether  
a franchise of bank-  
rupt's estate are  
within the  
provision or  
the funds pro-  
vided for  
like purpose  
in 13 Eliz. See  
before pg 9. In  
a recent  
commission  
tag & Dawson,  
which taken  
deducted that day, &  
in which I was  
named as having  
the origl. com. h.  
has attend. some  
reasons, & cases  
were for it being  
not as to appear  
assigned as under  
at it circumstances  
considering he explained  
the purpose of a

## Statutes at Large made against

1. Jam. 1. c. 15.

The Punishment of such as will not appear, or not swear and answer to Interrogatories.

before them shall refuse to be sworn and to make answer to such Interrogatories as shall be ministred unto him or them, according to the true Intent and Meaning of the said Statute made in the said Thirtieth Year of the Reign of our said Sovereign Lady Queen *Elizabeth*, or of this present Act, That then it shall be lawful for the said Commissioners, or for the greater Part of them, to commit to such Ward and Prison, as to them or to the greater Part of them shall be thought meet, all such Person and Persons as shall so refuse to be sworn and make Answer to such Interrogatories as shall be so ministred as aforesaid; and also to direct their Warrants to such Person or Persons as to them or the greater Part of them shall be thought meet, to apprehend and arrest such Person or Persons, as shall refuse to appear before them, as aforesaid, and to bring him, her, or them before the said Commissioners, or the greater Part of them, to be examined as aforesaid; and upon his, her, or their Refusal to come or to be examined before the said Commissioners as aforesaid, to commit the said Party so refusing to such Prison, as the said Commissioners or the greater Part of them shall think meet, there to remain without Bail or Mainprize, until such Time as the said Person so refusing to come, or to be sworn to answer before the said Commissioners, shall submit him or herself to the said Commissioners, and be by them examined according to the true Intent of the said Statute, and of this present Act.

Witnesses allowed their Costs.

Provided always, That such Witnesses as shall be so sent for, shall have such Costs and Charges as the Commissioners in their Discretion shall think fit; the same Charges to be rateably born by the Creditors of the said Bankrupt, according to the Proportion of each of their several Debts. And if any Person or Persons, other than the Bankrupt, either by Subornation, unlawful Procurement, sinister Perswasion, or Means of any others, or by his own Act, Consent, or Agreement, shall wilfully and corruptly commit any Manner of wilful Perjury by his Deposition to be taken before the said Commissioners, or the greater Part of them, as aforesaid, that then the Party or Parties so offending, and all and every Person and Persons, that shall unlawfully and corruptly procure any

# or concerning Bankrupts.

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1. Ann. 1. c. 15.

any such unlawful wilful and corrupt Perjury, shall or may therefore be indicted in any of the King's Majesty's Courts of Record, and after his or their Conviction hereof, shall incur such Forfeiture, and receive and suffer such Pains and Punishment, as are Limited by the Statute made concerning Perjury, in the Fifth Year of the Reign of our late Sovereign Lady Queen Elizabeth.

The Penalty of others, beside the Bankrupt, committing Perjury.

5 Eliz. 9.

And be it further enacted, That all and every Sum and Sums of Money, which shall be forfeited by Force of this present Act, shall be sued for and recovered by the said Creditors only, or any of them, that will sue for the same, by Action of Debt, Bill, Plaint, or Information, in any of the King's Majesty's Courts of Record; and the Sum or Sums of Money so recovered (the Charges of Suit being deducted) shall be distributed and divided towards the Payment of the said Creditors of the Bankrupt.

Who shall recover the Forfeitures, and how they shall employ them.

And for that the Power and Authority given to the Commissioners of Bankrupts touching the Debts due to the said Bankrupts, is not so full and perfect, as that the full Benefit thereof in due Course might be employed to the Use of the said Creditors, as was intended: for Remedy thereof be it further enacted by the Authority aforesaid, That the Commissioners of Bankrupts, or the greater Part of them, shall have Power to grant and assign, or otherwise to order or dispose all or any of the Debts due, or to be due, to and for the Benefit of the said Bankrupt, by what Person or Persons hever, or in what Manner and Form soever, to the Use of the Creditors of the said Bankrupt, according to the true Intent of the said former recited Statute of Bankrupts; and that the same Grant, Assignment, or Disposition of the said Debts, in Form aforesaid to be made by the said Commissioners, or the greater Part of them, shall so vest the Property, Right, and Interest of the said Debt and Debts in the Person or Persons of him, her, or them, to whom it shall be granted, assigned, or ordered by the said Commissioners, or the greater Part of them, as fully to all Intents and Purposes, as if the said Bill, Bond, Bonds, Statutes, Recognizances, Judgement, or Contract, whereupon the said Debt or Debts, Deed or Deeds, shall arise or grow,

The Authority of Commissioners touching Debts due to a Bankrupt.

## Statutes at Large made against

1. Jan. 1. c. 15.

The Remedy  
for the Credi-  
tor to recover  
a Bankrupt's  
Debt assigned  
to him by the  
Commission-  
ers.

Commission-  
ers shall de-  
clare to the  
Bankrupt,  
how they have  
bestowed his  
Lands and  
Goods.

had been made to, or with, or for the said Person or Persons, to whom the same shall be so granted, assigned, or disposed by the said Commissioners; and that after such Grant, Assignment, or Disposition made of the said Debts, that neither the Bankrupt, nor any other, to whom any such Debt shall be due, shall have Power to recover the same, nor to make any Release or Discharge thereof, neither shall the same be attached as the Debt of the Bankrupt, or such said other Person or Persons, to whom the same shall be due, by any other Person or Persons, according to the Custom of the City of London, or otherwise, but that the Party or Parties, to whom the same Debt shall be assigned, shall have like Remedy to recover the same, as fully and lawfully, in the Name or Names of the Person or Persons, to whom the same shall be so granted, assigned, or ordered by the said Commissioners, in all Respects and Purposes, as the Party himself might have had; any Law, Statute, Use, or Custom, to the contrary thereof in any wise notwithstanding.

And Provided always, That no Debtor of the Bankrupt be hereby endangered for the Payment of his or their Debt, truly and *bona fide*, to any such Bankrupt, before such Time as he shall understand or know that he is become a Bankrupt.

And Provided also, and be it further enacted, That such of the said Commissioners, as shall put the said Commission in Execution, shall, upon lawful Request to them made by the said Bankrupt, not only make a true Declaration to the said Bankrupt, of the employing and bestowing of his, her, or their said Lands, Tenements, and Hereditaments, Offices, Fees, Goods, Wares, Money, Chattles, and Debts, which shall be paid and satisfied to their said Creditors, as is in like Case limited and appointed by the said former Statute made in the said Thirteenth Year of the said late Queen's Majesty's Reign, but also make Payment of the Overplus of the same, if any such shall be, to the said Bankrupts, their Executors, Administrators, and Assigns; and that the said Bankrupts, after the full Satisfaction of the said Creditors, shall have full Power and Authority to recover and receive the Residue and Remainder of the Debts to them owing;



owing; any thing in this Act contained to the contrary in any wise notwithstanding.

Be it further enacted, That if any Action of Trespass, or other Suit, shall happen hereafter to be brought against any Commissioner authorized by the Statute made in *decimo tertio* of our late Sovereign Lady Queen Elizabeth, for Bankrupts, or any other Person or Persons having Authority by virtue or under the Commission, authorizing the said Commissioner for the doing or executing of any Matter, by Force of the said Statute, or this present Statute, That the Defendant or Defendants, in any such Action or Suit, may plead Not Guilty; or otherwise justify that the Act or Thing whereof the Plaintiff or Plaintiffs complained, was done by Authority of the said Act made in the Thirteenth of Elizabeth, or in this present Act respectively, without expressing or Rehearsal of any other Matter or Circumstance contained in either of the said Acts, and without enforcing him or them to shew forth their Commission authorizing the said Act or Thing, whereunto the Plaintiff shall be admitted to reply, That the Defendant did the Fact supposed in the Declaration of his own Wrong, without any such Cause alledged by the said Defendant, whereupon the Issue in such Action shall be joyned to be tried by Verdict of Twelve Men; and upon the Trial of that Issue, the whole Matter to be given on both Parties in Evidence, according to the very Truth of the same; and if Verdict upon such Issue shall pass for the Defendant, the Defendant to have his Costs.

The Commissioners Plea in an Action brought against them.

Provided always, and be it further enacted, That after any Commission of Bankrupts hereafter sued forth, and dealt in by the Commissioners, the Offender happen to die before the Commissioners shall distribute the Goods, Lands, and Debts of the Offenders, or any of them, by Force of the aforesaid Statute of the Thirteenth Year of the Reign of our late Sovereign Lady Queen Elizabeth, and this Statute, or either of them, That then nevertheless the said Commissioners shall and may in that Case proceed in Execution, in and upon the said Commission, for and concerning the Offenders Goods, Lands, Tenements, Hereditaments, and Debts, in such

The Commissioners shall proceed to Execution, though the Bankrupt die.

*See Annot. 630.*

## Statutes at Large made against

<sup>1. Jam. 12. 75.</sup>  
Sort as they might have done if the Party Offender  
were living. Stat. 21 Jac. 19.

## 21 Jac. I. Cap. 19.

An Act for the further Description of a Bankrupt, and Relief of Creditors, against such as shall become Bankrupts, and for inflicting Corporal Punishment upon the Bankrupts in some special Cases.

**F**Orasmuch as daily Experience sheweth, that the Number and Multitude of Bankrupts do increase more and more, and also the Frauds and Deceits invented and practised for the avoiding and eluding the Penalties of the good Laws in that Behalf already made, and the Remedy by them provided: And for that divers Defects are daily found in the former Statutes made against Bankrupts, both in the Description of a Bankrupt, as also in the Power given to the Commissioners for the discovery and distributing the Bankrupt's Estate, to the great Encouragement of evil minded Persons, the Hindrance of Traffick and Commerce, the great Decay, Overthrow, and Undoing of many Clothiers, by whom many Thousands of the natural born Subjects of this Realm be from time to time in all Parts of this Kingdom set on work: All which do tend to the general Hurt of this Realm: For Remedy whereof be it enacted by the King's most Excellent Majesty, the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and singular the aforesaid Statutes and Laws heretofore made against Bankrupts, and for Relief of Creditors, shall be in all Things largely and beneficially construed and expounded for the Aid, Help, and Relief of the Creditors of such Person or Persons as already be, or hereafter shall become Bankrupt.

*heretofore*  
Laws made  
against Bank-  
rupts shall be  
beneficially  
construed for  
the Creditors.

Who shall be  
deemed a  
Bankrupt.

*Art. 7. 14.*  
*Part 55.*

And that all and every Person or Persons using, or that shall use the Trade of Merchandize, by way of Bargaining, Exchange, Bartering, Chevifance, or otherwise,

# or concerning Bankrupts.

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21. Jan. 1. c. 19.

otherwise, in Gross, or by Retail, or seeking his or  
 er living, by Buying and Selling, or that shall use  
 he Trade or Profession of a Scrivener, receiving  
 ther Mens Monies or Estates into his Trust, or  
 Custody, who at any Time after the End of this  
 resent Session of Parliament, shall, either by him-  
 self, or others by his Procurement, obtain any Pro-  
 tection or Protections, other than such Person or  
 persons as shall be lawfully protected by the Privilege  
 of Parliament, or shall prefer or exhibit unto His  
 Majesty, His Heirs or Successors, or unto any of  
 the King's Courts, any Petition or Petitions, Bill  
 or Bills, against his or her Creditor or Creditors,  
 or any of them, thereby desiring or endeavouring  
 to compel or enforce them, or any of them, to  
 accept less than their just and principal Debts, or to  
 procure Time, or longer Days of Payment, than  
 was given at the Time of their Original Contracts, or,  
 being Indebted to any Person or Persons in the Sum  
 of One Hundred Pounds or more, shall not pay,  
 or otherwise compound for the same, within Six  
 Months next after the same shall grow due, and the  
 Debtor be arrested for the same, or within Six Months  
 after an Original Writ sued out to recover the  
 said Debt, and Notice thereof given unto him, or  
 left in Writing at his or their Dwelling House, or  
 last Place of Abode, or being arrested for Debt, shall,  
 after his or her Arrest, lie in Prison Two Months  
 or more, upon that or any other Arrest or Defen-  
 sion in Prison for Debt; or being arrested for the  
 sum of One Hundred Pounds or more, of just Debt  
 or Debts, shall at any Time after such Arrest escape  
 out of Prison, or procure his Enlargement by put-  
 ting in common or hired Bail, shall be accounted  
 and adjudged a Bankrupt to all Intents and Purposes:  
 And in the said Cases of Arrest, or lying in Prison  
 for such Debt or Debts, or getting forth by com-  
 mon or hired Bail, from the Time of his or her  
 said First Arrest.

*Repealed by  
 10. Ann. c. 15.  
 But see 11th.  
 142. These Lord  
 Hardwicke and prop.  
 only construes the  
 repeal to be of par-  
 ticular acts of  
 Bankruptcy. However  
 the Stat. of Ann. is  
 not expressed in so  
 general a way  
 as it should have  
 been.*

[This Clause is repealed by 10 Annæ, Cap. 15.] Post 55.

And be it further enacted by the Authority of this Commissions,  
 resent Parliament, That the like Commissions, Orders, Orders, &c.  
 benefits, and Remedies, which are and be provided provided by  
 and limited by the said former Acts of Parliament, 13 El. 7. &  
 made in the Thirteenth Year of the late Queen 1 Jac. 15.  
 Elizabeth,

shall be pursued against him that is described to be a Bankrupt by this Act.

Orders, &c. provided by this Act shall be pursued against him that is described to be a Bankrupt by 13 El. 7. & 1 Jac. 15.

*Elizabeth*, and in the First Year of the Reign of our Sovereign Lord the King's Majesty, against any Bankrupts, in them, or either of them described, or for or concerning his, her, or their Lands, Tenements, Hereditaments, Fees, Annuities, Offices, Goods, Chattles, Wares, Merchandize, and Debts, or any of them, shall and may be had, pursued, taken and expounded against such Person and Persons as are herein and hereby declared, described, or expressed to be Bankrupts, and against his, her, and their Lands, Tenements, Hereditaments, Fees, Annuities, Offices, Goods, Chattles, Wares, Merchandize, and Debts, in such Manner and Form, as the same ought and might have been, if the Persons herein declared, described, or expressed to be Bankrupts, had been by the said Statutes, or either of them, described to be Bankrupts, to all Intents and Purposes whatsoever.

And be it further enacted by the Authority aforesaid, That the same Orders, Benefits and Remedies which are, and be provided and limited by this present Act, against any Bankrupts, in or by this Act declared, described, or expressed to be Bankrupts, or for or concerning his, her or their Lands, Tenements, Hereditaments, Fees, Annuities, Offices, Goods, Chattles, Wares, Merchandizes, and Debts, or any of them, or the Discovery of them, or any of them, shall from henceforth be had, pursued, taken, and expounded against such Person or Persons as are declared or expressed to be Bankrupts, by the said former Acts of Parliament, or either of them, and against his, her, and their Lands, Tenements, Hereditaments, Fees, Annuities, Offices, Goods, Chattles, Wares, Merchandizes, and Debts, in such Manner and Form, as the same ought and might have been, if the Persons in the former Statutes, or either of them, described to be Bankrupts, had been mentioned and described to be Bankrupts, in and by this present Act.

And whereas by the former Laws the Commissioners appointed have Power to examine the Bankrupt himself, and such Person or Persons as are suspected to have or detain any of the Estate, Goods, or Chattels of the Bankrupts, but some Doubt hath been made whether the Commissioners have Power to examine the Wives of the Bankrupts touching the same



21. Jan. 1. c. 19.

Reason whereof the Bankrupts Wives do daily conceal and convey away, and cause to be conveyed away such Part of their Husbands Monies, Wares, Goods, Merchandize, and other Estate, to Person or Persons unknown to any but such Wives, by Reason whereof such of the Bankrupt's Estate is concealed, and detained from the Creditors.

For clearing therefore the said Doubt, and avoiding the Inconveniences aforesaid, be it declared and enacted by the Authority aforesaid, That after such Time as any Person shall by the said Commissioners, executing the said Commission, or the greater Part of them, be lawfully adjudged or declared to be a Bankrupt, the said Commissioners executing such Commission, shall have Power and Authority to examine upon Oath the Wife and Wives of all and every such Bankrupt, for the finding out, and Discovery of the Estate and States, Goods, and Chattels, of such Bankrupt or Bankrupts, concealed, kept, or disposed of, by such Wife or Wives, in their own Persons, or by their own Act or Means, or by any other Person or Persons. And that she and they, the said Wife and Wives, shall incur such Danger and Penalty for not coming before the said Commissioners, or for refusing to be sworn and examined, or for not disclosing the Truth upon this or their Examination or Examinations, as in and by the said former Laws, or either of them, is already made and provided against any other Person or Persons in like Cases.

And be it further enacted by the Authority aforesaid, That if any Bankrupt shall upon his or her Examination or Examinations, to be taken before the said Commissioners, executing the said Commission, be found fraudulently or deceitfully to have conveyed away his or her Goods, Chattels, Lands, Tenements, Offices, Fees, Rents, or Annuities, or other Estate, or any Part thereof, to the Value of Twenty Pounds or above, to the End and Purpose to hinder the Execution of this Statute, or of any other the aforesaid Statutes, or thereby to defraud, delay, or hinder his or her Creditors of the same, and shall not, upon his or her Examination, discover unto the said Commissioners, and (if it lie in his or her Power) deliver unto the said Commissioners, all that Estate, Goods, and Chattels, so fraudulently and deceitfully conveyed away, as aforesaid, or by him

The Bankrupt's Wife may be examined by the Commissioners.

The Bankrupt that fraudulently conceal-eth his Goods, or rendereth not some just Reason why he became Bankrupt, shall be set upon the Pillory, and lose One of his Ears.

or

21. Jan. 1. 2. 19.

or her, his or her Means, kept or detained from the said Commissioners, or that cannot make it appear unto the said Commissioners that he or she hath sustained some casual Loss, whereby he or she is disabled to pay what he or she then owed, shall or may be indicted for such Fraud or Abuse at the Assizes or General Sessions to be holden before the Judges of Assize, or Justices of the Peace of the County or Place where he or she shall become Bankrupt: and if upon such Indictment or Indictments the Bankrupt be thereof convicted, he or she so convicted shall be set upon the Pillory in some publick Place, for the Space of Two Hours, and have One of his or her Ears nailed to the Pillory and cut off.

The Commissioners may break open the Bankrupts Doors, &c.

And for that some Doubt is conceived, whether the Commissioners, in case of Resistance, have Power by the former Laws to break open, or cause to be broken open, the House or Houses of such Bankrupts, which if they have not, the Remedies by the former Laws given will be to little Effect; be it therefore enacted, That in Execution of the said Commission, it shall be lawful to and for the said Commissioners, or the greater Part of them, or any other Person or Persons, Officers or Officers, by them, or the greater Part of them, to be deputed, and appointed by their Warrant or Warrants, under their Hands and Seals, to break open the House or Houses, Chambers, Shops, Ware-houses, Doors, Trunks, or Chests of the said Bankrupt, where the said Bankrupt, or any of his or her Goods or Estate shall be, or reputed to be, and to seize upon, and order the Body, Goods, Chattels, Ready Money, and other Estate of such Bankrupt, as by the said former Laws are limited and appointed, whether it be by Imprisonment of his or her Body, or otherwise, as to the said Commissioners, or the greater Part of them, shall be thought meet.

The Bankrupt's Goods shall be rateably divided, notwithstanding any Judgment, Recognition, &c.

And for the better Division and Distribution of the Lands, Tenements, Hereditaments, Goods, Chattels, and other Estate of such Bankrupt, to and amongst his or her Creditors, be it enacted, That the Commissioners, or the greatest Part of them, shall and may examine upon Oath, or by any other Ways or Means, as to them shall seem meet, any Person or Persons for the finding out, and Discovery of the Truth

## or concerning Bankrupts.

29

21. Jan. 1. c. 14.

Truth and Certainty of the several Debts due and owing to all such Creditor and Creditors, as shall seek Relief by such Course of Commission to be set forth, as aforesaid: And that all and every Creditor and Creditors, having Security for his or their several Debts, by Judgement, Statute, Recognizance, Specialty with Penalty or without Penalty, or other Security, or having no Security, or having made Attachments in *London*, or any other Place, by virtue of any Custom there used, of the Goods and Chattels of any such Bankrupt, whereof there is no execution or Extent served and executed upon any the Lands, Tenements, Hereditaments, Goods, Chattels, and other Estate of such Bankrupt, before such Time as he or she shall or do become Bankrupt, shall not be relieved upon any such Judgement, Statute, Recognizance, Specialty, Attachments, or other Security, for any more than a rateable Part of their just and due Debts, with the other Creditors of the said Bankrupt, without Respect to any such Penalty or greater Sum contained in any such Judgement, Statute, Recognizance, Specialty with Penalty, Attachment, or other Security.

And be it further enacted, That if it shall happen, The Commissioners may proceed when the Bankrupt by Fraud makes himself Accomptant to the King. by any the Lands, Tenements, Goods, Chattels, Debts, or other Estate of any Bankrupt to be extended, after such Time as he or she is become a Bankrupt, by any Person or Persons, under Colour or Pretence of his or their being an Accomptant, or any way indebted unto our Sovereign Lord the King's Majesty, His Heirs or Successors, that then it shall be lawful to and for the said Commissioners to examine upon Oath, whether the said Debt were due to such Debtor or Accomptant, upon any Bargain or Contract originally made, betwixt such Accomptant and the said Bankrupt, the said Debtor and Accomptant, and his or their Servants: And if such Bargain or Contract was originally made to and with any other Person or Persons, than the said Debtor or Accomptant, or for the Use and Trust of any other Person or Persons, then it shall and may be lawful to and for the said Commissioners, or the greater Part of them, to order and dispose of all such Lands, Tenements, Hereditaments, Goods, Chattels, and Debts, so extended as aforesaid, to and for the Use of the Creditors,





# or concerning Bankrupts.

31

21. Jan. 1. 1791.

ns, for the Relief and Benefit of the Creditors  
all such Bankrupts; and that all and every such  
nants, Bargains, Sales, and Conveyances shall be  
ood and available in the Law to such Person or  
ersons, and their Heirs, against the said Bankrupts,  
d against all and every the Issues of the Body of  
ch Bankrupts, and against all and every Person and  
ersons, claiming any Estate, Right, Title, or Interest,  
y, from, or under the said Bankrupts, after such Time  
such Person shall become Bankrupt, and against all  
nd every other Person and Persons whatsoever, whom  
e said Bankrupt by Common Recovery, or other  
ays or Means, might cut off or debar from any  
emainder, Reversion, Rent, Profit, Title, or Possi-  
ility, into or out of any the said Manors, Lands,  
Tenements, or Hereditaments.

And be it further enacted, That if any Person that  
ow is, or hereafter shall become a Bankrupt, have  
eretofore granted, conveyed, or assured, or shall at  
ny Time hereafter grant, convey, or assure any  
Lands, Tenements, Hereditaments, Goods, Chattels,  
r other Estate, unto any Person or Persons, upon  
Condition, or Power of Redemption at a Day to  
come, by Payment of Money, or otherwise, That  
shall and may be lawful to and for the said Com-  
missioners, or the greater Part of them, before the  
Time of the Performance of such Condition, to assign  
and appoint, under their Hands and Seals, such Person  
or Persons as they shall think fit, to make Tender or  
Payment of Money, or other Performance, according  
to the Nature of such Condition, as fully as the Bank-  
rupt might have done; and that the said Commission-  
ers, or the greater Part of them, shall after such Ten-  
der, Payment or Performance, have Power to sell and  
dispose of such Lands, Tenements, Hereditaments,  
Goods, and Chattels; and other Estates so granted,  
conveyed, or assured upon Condition, to and for the  
Benefit of the Creditors, as fully as they may sell or  
dispose of any the Estate of the Bankrupt.

Provided further, That no Purchasor, for good  
and valuable Consideration, shall be impeached by  
Virtue of this Act, or any other Act heretofore made  
against Bankrupts, unless the Commission to prove  
him or her a Bankrupt, be sued forth against such  
Bankrupt

Conditional  
Estates granted  
by the Bank-  
rupt, may be  
redeemed by  
the Commis-  
sioners.

*Unless the*  
~~The~~ Commis-  
sion shall be  
sued forth  
within Five  
Years *if no bankruptcy*  
*has been*  
*proven & unless*  
*the commission*  
*is impeached.*

*21 Jan. 1. 6. 17.*  
Bankrupt within Five Years after he or she shall become a Bankrupt.

<sup>15</sup>  
Strangers shall take Advantage of this, and all other Laws against Bankrupts.

Provided further, and be it enacted by the Authority aforesaid, That this Act, and all other Acts of Parliament heretofore made against Bankrupts, shall extend to Strangers born, as well Aliens as Denizens, as effectually, as to the Natural born Subjects, both to make them subject to the Laws as Bankrupts, as also to make them capable of the Benefit or Contribution, as Creditors by those Laws. *Stat. 34 H. 8. 4. 13 El. 1 Jac. 15. 3 Car. 1. c. 4. 14 Car. 2. Cap. 24.*

### 13 & 14 Car. II. Cap: 24.

#### An Act Declaratory concerning Bankrupts.

**W**HEREAS divers Noblemen, Gentlemen, and Persons of Quality, no ways bred up to Trade or Merchandize, do oftentimes put in great Stocks of Money into the *East India Company*, or *Guiney Company*, and the Fishing Trade, and such other publick Societies, and receive the Proceede of those Stocks sometimes in ready Monies, sometimes in Commodities, which they usually sell for Money, or exchange again, by which Means the Trade of those Companies is much encouraged, Fishing and Navigation increased, and the publick Good of those Companies is much advanced.

<sup>34 H. 8. cap. 4.</sup>  
<sup>13 El. cap. 7.</sup>  
<sup>1 Jac. cap. 15.</sup>  
<sup>21 Jac. cap. 19.</sup> Notwithstanding which great Advantage to the Publick, there hath been lately some Opinion conceived, that such Persons may and ought to be made subject to the Statutes provided against Bankrupts:

For the better declaring and explaining the Law therein, and to the end such Persons may not be discouraged in those honourable Endeavours for promoting publick Undertakings; be it declared and enacted by the King's most excellent Majesty, with the Advice and Assent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled,

# or concerning Bankrupts.

~~21. June 1719.~~ 19. 614. Cha. 2. c. 24. 33

embled, and by the Authority of the same, That no Person or Persons whatsoever, who have adventured, or put in, or who hereafter shall adventure, or put in any Sum or Sums of Money in the said *East India Company*, or *Guiney Company*, or into any joint Stock or Stocks of Money by them or either of them made or intended, or to be made and raised, for and towards the maintaining and carrying on the Trade by the said *East India Company*, or *Guiney Company*, managed, or to be managed, or who have formerly, or shall hereafter adventure or put in any Sum or Sums of Money into any Stock or Stocks of Money, for the managing and carrying on of the said Fishing Trade, or the Trade now called *The Royal Fishing Trade*, and shall receive and take his or their Part or Dividend of Fish, Goods, or Merchandizes, in *Specie*, and shall sell or exchange the same, shall, for or by reason only of such Adventure of Monies so put into the said *East India Company*, or *Guiney Company*, or into any Stock or Stocks, for and towards the said Fishing Trade, or for or by Reason only of the receiving and taking such Fish, Goods, and Merchandizes, in *Specie*, or selling for Money, or exchanging the same again, be adjudged, taken, esteemed, or reputed a Merchant or Trader within any Statute or Statutes for Bankrupts, or be liable to the same. Provided always, and it is hereby declared, That every Person or Persons, who shall trade, traffick, or merchandize in any other Way or Manner, than in the said Royal Fishing Trade, or the Trade managed by the said *East India Company*, or the *Guiney Company* aforesaid, shall, for and by Reason of his and their trading, Trafficking, and Merchandizing, be liable to Commission and Commissions against Bankrupts, as well to all Intents and Purposes, and not otherwise, as if this Act had never been made; any thing in this Act to the contrary notwithstanding.

No Person for putting in Money to the *East India* or *Guiney Company*, or Fishing Trade, shall be esteemed a Trader within the Statute of Bankrupts.

Proviso for others trading.

And be it further enacted, That a Verdict and Judgment in Replevin heretofore had or given in the Term of *Easter*, in the Year One thousand six hundred fifty three, in the King's Bench, betwixt *Phineas Andrews* Plaintiff, *Richard Woolward* and *William Meggs*, Defendants, whereby *Sir John Wolstenholme* Knight, an Adventurer in the said *East India Company*, was adjudged and found liable to a Commission of Bankrupts,

The Judgment concerning *Sir John Wolstenholme* made void.

See a short note of this case in 1. *Flaggs* Abridgm. 315.

D

only

## Statutes at Large made against

*21. Jan. 19. & 14. Cha. 2. c. 24.*

only for and by reason of a Share he had in the Joint Stock of the said Company, and a pretended selling of Money Part of the Return, which he had in Specie for his said Adventure, shall be, and is hereby declared contrary to Law, and is hereby reversed, and made void and null.

Proviso for  
Purchasers in  
the Case of  
Sir John Wol-  
stenholme.

Provided always, and be it enacted, That no Sale, or Disposition of any of the Lands, Tenements, Hereditaments, Goods, Chattels, Debts, or Credits of the said Sir John Wolstenholme, or any Distribution of the same or of any Money heretofore made or done by the Commissioners of Bankrupts, or any claiming under them, or any of them, by Virtue or Colour of any Commission or Commissions taken out against the said Sir John Wolstenholme, and whereof any Person or Persons is by Virtue or Colour of or under any such Commission, Sale, or Disposition, actually seised or possessed, shall hereby impeached, or frustrated, but that the same be enjoyed for and toward Satisfaction of the Debts, which the same have been disposed or distributed,



Anno 7 & 8 Gulielmi 3. Cap. 31.

An Act for continuing to His Majesty certain Duties upon Salt, Glass Wares, Stone and Earthen Wares, and for granting several Duties upon Tobacco Pipes, and other Earthen Wares, for carrying on the War against *France*, and for establishing a National Land Bank, and for taking off the Duties upon Tonnage of Ships and upon Coals.

42. **A**ND be it enacted, That no Member of the said Corporation [ *The Land Bank* ] shall in Respect of his Stock therein only, be, or be judged liable to be a Bankrupt, within the Intent and Meaning of all or any the Statutes made against concerning Bankrupts. And that no Stock in the said Corporation shall be subject or liable to any Foreign Attachment, by the Custom of the City of London, or otherwise.

b

D 2

Anno

## Anno 8 &amp; 9 Gulielmi 3. Cap. 20

An Act for making good the Deficiencies of several Funds therein mentioned; and for enlarging the Capital Stock of the Bank of *England*; and for raising the publick Credit.

*Sec.* 47. **A**ND be it enacted, That no Member of the said Corporation shall be, or be adjudged liable to be a Bankrupt, within the Intent and Meaning of all or any the Statutes made against or concerning Bankrupts, for or by Reason of their Stock or Interest in the said Corporation; and that no Stock in the said Corporation shall be subject or liable to any Foreign Attachment by the Custom of *London*, or otherwise.

## Anno 9 &amp; 10 Gulielmi 3. Cap. 4

An Act for raising a Sum not exceeding Two Millions, upon a Fund for Payment of Annuities, after the Rate of Eight Pounds *per Centum per Annum* and for settling the Trade to the *E. Indies*.

*Sec.* 74. **A**ND be it enacted, That no Member of any Society or Company, to be erected in pursuance of this Act, shall, in Respect of his Stock therein only, be, or be adjudged liable to be a Bankrupt, within the Intent or Meaning of all or any Statutes made against or concerning Bankrupts: And that no Stock in such Society or Company shall be

or liable to any Foreign Attachment, by the Custom of the City of *London*, or otherwise.

4 & 5 Annæ, Cap. 17.

An Act to prevent Frauds frequently committed by Bankrupts.

**W**Hereas many Persons have and do daily become Bankrupt, not so much by Reason of losses and unavoidable Misfortunes, as to the Intent to defraud and hinder their Creditors of their just Debts and Duties to them due and owing: For the Prevention thereof be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons, who from and after the Four and twentieth Day of *June*, in the Year of our Lord One thousand seven hundred and six, shall become a Bankrupt within the several Statutes made against Bankrupts, or any of them, and against whom a Commission of Bankrupts, under the Great Seal of *England*, shall be awarded and issued out, shall not, within Thirty Days next after Notice thereof in Writing shall be left at the place of the usual Abode of such Person or Persons, and Notice given in the *Gazette*, That such Commission or Commissions is or are issued forth, and of the Time and Place of a Meeting of the said Commissioners, surrender him, her, or themselves to the Commissioners named in the said Commission, or some of them, and submit to be examined from time to time upon Oath, by and before the said Commissioners, or the major Part of them, by the said Commissioners authorized, and in all Things conform to the several Statutes already made concerning Bankrupts, and do, upon such Examination, fully and truly disclose and discover how, and in what Manner, and to whom, and upon what Consideration, he, she, or they hath or have

Preamble.

Bankrupt not  
surrendring  
upon Notice,  
and submit-  
ting to be exa-  
mined, &c.  
shall suffer as  
a Felon with-  
out Benefit of  
Clergy.

D 3

## Statutes at Large made against

4. &amp; 5. Ann c. 17.

have disposed, assigned, or transferred any of his, her, or their Goods, Wares, Merchandizes, Money, or other Effects or Estate, and all Books, Papers, and Writings relating thereunto, of which he, she, or they were possessed, or in or to which he, she, or they were any way interested or intituled, or which any Person or Persons had, or hath, or have had in Trust for him, her, or them, or for his, her, or their Use at any Time before or after the issuing out of the said Commission, and also deliver up unto the said Commissioners, or the major Part of the Commissioners by the said Commission authorized, all such Part of his, her, or their the said Bankrupt's Goods, Wares, Merchandizes, Effects, and Estate, and all Books, Papers, and Writings relating thereunto, as at the Time of such Examination shall be in his, her, or their Possession, Custody, or Power (his, her, or their, and his, her, and their Wives and Children's necessary Wearing Apparel only excepted) then he, she or they, or the said Bankrupt, in Case of any Default or wilful Omission therein, or in any the Premises, and being thereof lawfully convicted by Indictment or Information, shall suffer as a Felon, without the Benefit of Clergy.

9 Lord Chancellor may enlarge the Time for the Bankrupt surrendering.

2. Provided always, and it is hereby declared and enacted by the Authority aforesaid, That it shall and may be lawful to and for the Lord Chancellor, or Lord Keeper, or Commissioners of the Great Seal of *England*, for the time being, to enlarge the Time for such Person or Persons surrendering him, her, or themselves, and disclosing and discovering his, her, or their Estate and Effects, as aforesaid, as the Lord Chancellor, Lord Keeper, or Commissioners, shall think fit, not exceeding Sixty Days, so as such Order for so enlarging the Time be made by the said Lord Chancellor, Lord Keeper, or Commissioners, Five Days before the Time on which such Person or Persons was or were so to surrender, him, her, or themselves, and make such Discovery, as aforesaid.

3. And be it further enacted by the Authority aforesaid, That if from and after the said Four and twentieth Day of *June*, a Commission of Bankrupt, under the Great Seal of *England*, shall issue forth against any Person or Persons, that then the Commissioners therein named, or the major Part of them authorized



# or concerning Bankrupts.

39

4.45. Ann c. 17.

ed to put the said Commission in Execution, shall Persons refus-  
 Virtue hereof, and of the said Commission, have sing to appear,  
 all Power and Authority to send for and call be- and be examin-  
 re them, by such Process, Ways, or Means, as ed concerning  
 ey in their Discretions shall think convenient, all any Act of  
 d every such Person and Persons as they shall be Bankruptcy,  
 formed and believe can give any Account or Infor- &c. the Com-  
 mation of any Act or Acts of Bankruptcy committed missioners may  
 such Person or Persons, against whom such Com- commit them  
 mission shall issue forth; and upon their Appear- to Prison, till  
 ce to examine them, and every of them, as they submit:  
 ell upon their Oaths, as otherwise, by such Ways  
 d Means as the said Commissioners, or such major  
 art of them, are by Law authorized to examine,  
 ouching or concerning such Bankrupt's Estate, touch-  
 g any Act or Acts of Bankruptcy committed by such  
 erson or Persons against whom such Commission shall  
 ue forth; and if any Person or Persons, upon Pay-  
 ent or Tender, and Refusal to accept of such reason-  
 able Charge, shall Refuse or neglect to come and ap-  
 ear, not having a lawful Excuse, to be made known  
 the said Commissioners, and by them allowed, or,  
 eing come before them, shall refuse to be sworn, or,  
 eing of the People called *Quakers*, to take the Solemn  
 affirmation by Law appointed for such People, or  
 eing sworn, or having taken such Affirmation, shall  
 euse to answer all such Questions, as by the said  
 Commissioners shall be put unto him, her, or them,  
 elating to any Act of Bankruptcy committed by the  
 erson or Persons against whom such Commission is  
 warded, according to the true Intent and Meaning  
 of this Act, that then it shall and may be lawful for  
 he said Commissioners, or such major Part of them,  
 o commit to such Prison, as to them shall be thought  
 meet, all such Person or Persons, and also to direct  
 their Warrant or Warrants to such Person or Persons,  
 the said Commissioners, or greater Part of them,  
 shall think meet, to apprehend and arrest such Person  
 or Persons as shall so refuse to appear, and to commit  
 such Person or Persons to such Prison, as the said Com-  
 missioners, or such major Part of them, shall think  
 meet, there to remain without Bail or Mainprize,  
 until such Time as such Person or Persons shall sub-  
 mit him or herself to the said Commissioners, and be by  
 them examined, according to the true Intent and Mean-  
 ing

4. &amp; 5. Ann. c. 17.

but none  
obliged to tra-  
vel above 20  
Miles.

The Judges  
and Justices of  
the Peace are  
to grant War-  
rants for appre-  
hending and  
committing  
such Persons.

Gaoler to give  
Notice to the  
Commission-  
ers of such Per-  
sons being in  
his Custody.

ing of this Act: Provided, That no Person shall be obliged to travel above Twenty Miles to be so examined.

4. And be it further enacted by the Authority aforesaid, That upon Certificate made and granted under the Hands and Seals of the said Commissioners, or such major Part of them, that such Commission is issued forth, and such Person or Persons proved before them to become Bankrupt, that then it shall and may be lawful to and for all or any of the Judges of Her Majesty's Courts of Queen's Bench, Common Pleas, or Court of Exchequer, and to and for all and every the Justices of the Peace within the Kingdom of *England*, Dominion of *Wales*, and Town of *Berwick upon Tweed* (and they are hereby impowered and required upon Application to them for that Purpose made) to grant his or their Warrant or Warrants under his or their Hands and Seals, as well for the taking and apprehending such Person or Persons, and him, her, or them to commit to the Common Gaol of the County, where he, she, or they shall be so taken and apprehended, there to remain, until he, she, or they shall be thence removed by Order of the said Commissioners, or such major Part of them, by Warrant under their Hands and Seals; and the Gaoler or Keeper, to whose Custody such Person or Persons shall be committed, is hereby required forthwith to give Notice to some One of the said Commissioners in the said Commission named, of such Person or Persons being in his or their Custody, to the Intent the said Commissioners may send their Warrant to the said Gaoler or Keeper (which they are hereby impowered and required forthwith to send) for the delivering such Bankrupt or Bankrupts to the Person or Persons named in such Warrant, and thereby authorized, to convey such Person to the said Commissioners, in Order to such Examination and Discovery, as aforesaid, as also to take and seize any the Wares, Goods, Merchandizes, or Effects of such Person or Persons, or any of his, her, or their Books, Papers, or Writings, or any other his or their real or personal Estate.

5. Provided always, and be it enacted by the Authority aforesaid, That if such Person or Persons so apprehended and taken, within the said Thirty Days shall

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4. & 5. Ann c. 17.

all submit to be examined, and in all Things conform, as if he had surrendered himself, as by this Act each Bankrupt or Bankrupts is or are required, then each Person or Persons, so submitting and conforming, shall have the Benefit of this Act to all Intents and Purposes, as if he had voluntarily come in and surrendered himself; any thing herein to the contrary notwithstanding.

6. Provided always, and be it enacted by the Authority aforesaid, That if any Person or Persons shall by reason of this Act incur the Penalty of Felony, that when such Felons Goods and Estate shall go to, and be divided amongst the Creditors seeking Relief by such Commission; any Law, Usage, or Custom to the contrary in any wise notwithstanding.

7. And be it further enacted by the Authority aforesaid, That all and every Person and Persons so becoming Bankrupt, as aforesaid, who shall, within the Time limited by this Act, surrender him, her, or themselves to the major Part of the Commissioners therein named, and in all Things conform as in and by this Act is directed, shall be allowed the Sum of Five Pounds *per Centum* out of the neat Product of all the Estate that shall be recovered in and received on such Discovery, which shall be paid unto him by the Assignee or Assignees of the said Commissioners, so as the said Five Pounds *per Centum* shall not amount in the whole above the Sum of Two Hundred Pounds, and shall be discharged from all Debts, by him, her, or them due and owing at the Time that he, she, or they did become Bankrupt; and in Case any such Bankrupt shall afterwards be arrested, prosecuted, or impleaded, for any Debt due before such Time, as he, she, or they became Bankrupt, such Bankrupt shall be discharged upon common Bail, and shall and may plead in general, That the Cause of such Action or Suit did accrue before such time as he became Bankrupt, and may give this Act and the Special Matter in Evidence; and if a Verdict pass for the Defendant, or the Plaintiff shall become nonsuited, or Judgement be given against the Plaintiff, the Defendant shall recover his Costs, as in other Cases.

8. Provided always, and it is hereby declared and enacted by the Authority aforesaid, That if the neat Proceed of such Bankrupt's Estate, so to be discovered, recovered,

Person so apprehended, submitting, &c. to have the same Benefit as if he had surrendered,

Felons Goods forfeited by this Act, to be divided among Creditors.

Persons conforming, to be allowed *5l. per Cent.* out of the Estate, so as it amount not to above 200*l.* and shall be discharged from all Debts, &c. see call 5. & 19.

*This is a new provision for making the bankrupts conform to the law of exchange from the time at the time of the bankruptcy. 5. & 19. c. 24. per 78. In 5. & 19. c. 30. per 111. The last is the proper way to run in force.*

If the Estate produce not 3*s.* in the Pound, the Bankrupt shall be allowed only what the Assignees and Commissioners think fit.

recovered, and received, together, with what shall be otherwise recovered and received, shall not amount to so much as will pay all and every the Creditors of such Bankrupt, the Sum of Eight Shillings in the Pound after all Charges had and deducted, that then, and in such Case, such Bankrupt shall not be allowed the said Sum of Five Pounds *per Centum*, of such Estate as shall be so recovered in, but shall be allowed and paid by the Assignees, so much Money as the said Assignees and the major Part of the said Commissioners shall think fit to allow to such Bankrupt, and no more.

Persons accepting Trust, or concealing Bankrupt's Estate, forfeit 100*l.* and Double the Value, to the Use of the Creditor.

9. And for the better Discovery of the said Bankrupt's Estate, in case, he, she, or they shall refuse or neglect to surrender him, her, or themselves, and conform to this Act, as aforesaid, be it enacted by the Authority aforesaid, That all and every Person and Persons, who shall have accepted of any Trust or Trusts, and conceal or protect any Estate, either Real or Personal, of any Person becoming Bankrupt, as aforesaid, from his, her, or their Creditors, and shall not within Thirty Days next after such Commission shall issue forth, and Notice thereof given to such Person or Persons, discover and disclose such Trust and Estate in Writing to some One of the Commissioners, and submit himself to be examined by the Commissioners, or such major Part of them, as by the said Commission shall be authorized, and truly discover the same, shall forfeit the Sum of One Hundred Pounds, and double the Value of the Estate, either Real or Personal, so concealed, to and for the Use and Benefit of the said Creditors, to be recovered by Action of Debt, in any of His Majesty's Courts of Record, in the Name of the Assignees of the said Commissioners, in which Case Costs shall be allowed to either Party, as in other common Cases.

Persons discovering Bankrupt's Estate to be allowed 3*l.* *per Cent.*

10. And be it further enacted by the Authority aforesaid, That all and every Person and Persons, who shall within Sixty Days next after the Time allowed to such Bankrupt to surrender himself, and conform, as aforesaid, voluntarily come in and make Discovery of any Part of such Bankrupt's Estate, before the major Part of the said Commissioners, shall be allowed the Sum of Three Pounds *per Centum*, out of the neat Proceed of all that shall be recovered on such Discovery which shall be paid to the Person or Persons so discovered in



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4. 45. An. c. 17.

the same, by the Assignee or Assignees to whom the same shall be assigned.

Commissioners and Assignees to adjust unbalanced Accounts.

11. And be it further enacted by the Authority aforesaid, That where there shall appear to the Commissioners, or the major Part of them, that there hath been mutual Credit given between such Person or Persons, against whom such Commission shall issue forth, and any Person or Persons, who shall be Debtor or Debtors to such Person or Persons, and due Proof thereof made, and that the Accounts are open and unbalanced, that then it shall be lawful for the Commissioners in the said Commission named, or the major Part of them, or the Assignee or Assignees of such Commission, to adjust the said Account, and to take the Balance due in full discharge thereof, and the Person Debtor to such Bankrupt, shall not be compelled or obliged to pay more than shall appear to be due on such Balance.

12. Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act shall be construed to extend to grant any Privilege, Benefit, or Advantage to any Bankrupt whatsoever, against whom a Commission under the Great Seal shall issue forth, who hath, or upon Marriage of any of his or her Children, given, advanced, or paid above the Value of One hundred Pounds, unless he or she shall prove, by his or her Books fairly kept, or otherwise, and upon his or her Oath, before the major Part of the Commissioners in such Commission named, that he or she had at the Time thereof, over and above the Value so given, advanced, or paid, remaining in Goods, Wares, Debts, ready Money, or other Real or Personal Estate, sufficient to pay and satisfy unto each and every Person, to whom he or she was any way indebted, their full and intire Debts.

No Bankrupt to have any Advantage hereof, who had given above 100 l. in Marriage with any of his Children unless, &c.

13. Provided always, and be it enacted by the Authority aforesaid, That the said Commissioners, or the major Part of them, shall appoint within the said Thirtieth Days, not less than three several Meetings for the purposes aforesaid, the last of which shall be on the said Thirtieth Day hereby limited for such Bankrupt's Appearance.

The Commissioners to appoint Three Meetings.

14. Provided always, and be it hereby enacted by the Authority aforesaid, That if any Person or Persons shall be sued or prosecuted by any Action, Bill, Complaint,

General Issue.

*4. & 5. Ann c. 17.*

Plaint, or Information, for any thing done or to be done by him, her, or them, in Prosecution of this Act, shall and may be lawful to and for such Person or Persons to plead the General Issue, and to give this Act and the Special Matter in Evidence.

**Bankrupt, who has lost at Gaming 5*l.* in one Day, or 100*l.* in 12 Months, to have no Advantage of this Act.**

15. Provided also, and be it enacted by the Authority aforesaid, That nothing in this Act contained shall extend to give or grant any Liberty, Privilege, Benefit or Advantage in this Act mentioned, to any Person whatsoever, against whom a Commission of Bankruptcy shall be awarded, who shall have lost in any One Day the Sum or Value of Five Pounds, or in the whole, the Sum or Value of One hundred Pounds, within the Space or Term of Twelve Months next preceding his or her becoming a Bankrupt, in playing at or with Cards, Dice, Tables, Tennis, Bowls, Shovel Board, or in or by Cock Fightings, Horse Races, Dog Matches, Foot Races, or other Pastimes, Game or Games whatsoever, or in or by bearing a Share or Part in the Stakes, Wagers, or Adventures, or in or by betting on the Sides or Hands of such as do or shall play, accorde, ride, or run, as aforesaid.

**To continue for Three Years.**

16. And be it further enacted by the Authority aforesaid, That this Act shall continue and be in Force for the Space of Three Years, and from thence to the End of the next Session of Parliament, and no longer.

**Bankrupt against whom a Commission issued before 10 March, 1705, surrendering before 24 June, 1706, shall have the Benefit of this Act.**

17. And for the better Encouragement of such Persons as already are become Bankrupts, to make a true and just Discovery of their Estates, and to deliver the same up, for the Use and Benefit of their Creditors; be it further enacted by the Authority aforesaid, That as and every Person and Persons, who are become Bankrupts, and against whom a Commission of Bankruptcy hath issued before the Tenth Day of *March*, One thousand seven hundred and five, who shall voluntarily, or before the Four and twentieth Day of *June*, One thousand seven hundred and six, surrender him, her, or themselves to the Commissioners in such Commission named, or the major Part of them, and submit to be examined from time to time upon Oath by and before the said Commissioners, or the major Part of them, and in all Things conform to the several Statutes already made concerning Bankrupts, and to this present Act shall to all Intents and Purposes have the Benefit of this Act.

4. & 5. Annæ c. 17.

8. Provided always, and be it further enacted by Authority afore said, That if such Person or Persons, so voluntarily surrendring him, her, or themselves, afterwards neglect or omit to discover and deliver his, her, or their Estates and Effects, and in any Thing act and do as in this Act is directed, every such Person or Persons shall be taken and adjudged to be a fraudulent Bankrupt within the true Intent and Meaning of this Act, and thereof being fully convicted, shall suffer as a Felon without the Benefit of Clergy.

9. Provided also, and be it further enacted by the Authority afore said, That no Discovery upon Oath shall be made by any Bankrupt of his or her Estate and Effects, pursuant to this Act, shall intitle such Bankrupt to the Benefits allowed by this Act, unless the Commissioners of Bankrupt, or the greater Part of them that shall be named in the Commission issued, or be issued, against him or her, shall, in Writing under their Hands and Seals, certify to the Lord Chancellor of England, Lord Keeper or Commissioners for the Custody of the Great Seal of England for the time being, that such Bankrupt hath made Discovery of his Estate and Effects, and in all Things conformed himself according to the Directions of this Act, and that there doth not appear to them any Reason to doubt the Truth of such Discovery, or that the same is not a full Discovery, of all such Bankrupt's Estate and Effects; and unless such Certificate shall be allowed and confirmed by the Lord Chancellor, Lord Keeper, or Commissioners for the Custody of the Great Seal of England for the time being, or by such two of the Judges of the Courts of Queen's Bench, Common Pleas, and Court of Exchequer at Westminster, to whom the Consideration of such Certificate shall be referred by the Lord Chancellor, Lord Keeper, or Commissioners for the Custody of the Great Seal of England for the time being; and the Creditors of such Bankrupts are to be allowed to be heard, if they shall think fit, before the respective Persons afore said, against the making such Certificate, and against the Confirmation thereof. *Vide 5 Annæ, cap. 22. Act. 1.*

10. And whereas Commissions of Bankrupts have been often executed with great Expence in eating and drinking

Persons so surrendring and not discovering their Estates, to suffer as Felons, &c.

No Discovery shall intitle a Bankrupt to the Benefit hereof, unless the Commissioners certify that he hath conformed, &c. nor unless such Certificate be allowed; and the Creditors may be heard against it.

## Statutes at Large made against

Nothing to be  
allowed for the  
eating or  
drinking of the  
Commission-  
ers; and any  
Commissioner  
ordering such  
Expence shall  
be for ever dis-  
abled, &c.

<sup>4. & 5. Ann. c. 17.</sup>  
ing at the Meetings of the Commissioners, or some  
them, therein named, to the great Prejudice of the  
Bankrupts and their Creditors; be it further enacted  
by the Authority aforesaid, That there shall not be  
paid or allowed by the Creditors; or out of the Estate  
of the Bankrupts, any Monies whatsoever for Expence  
in eating or drinking of the Commissioners, or  
any other Persons at the Times of the Meetings  
the said Commissioners, or of any of the Creditors  
or others, in Order to execute or prepare Matters for  
the Execution of such Commission; and if any Person  
or Persons named, or to be named, as a Commissioner  
or Commissioners in any such Commission shall order  
any such Expence to be made, or eat or drink at any  
such Meeting, at the Charge of the Creditors, or out of  
the Estate of such Bankrupt, every such Commissioner,  
so offending, shall be disabled for ever after to act  
as a Commissioner in such or any other Commission  
founded on the Statutes made against Bankrupts.

*Continued by 7. Annæ, cap. 25. Et vide 10 Annæ  
cap. 15. EXP.*



Anno 5 Annæ, Cap. 13.

An Act for continuing the Duties upon Houses, to secure a yearly Fund for circulating Exchequer Bills, whereby a Sum not exceeding Fifteen hundred thousand Pounds is intended to be raised, for carrying on the War, and other Her Majesty's Occasions.

25. **A**ND be it further enacted by the Authority aforesaid, That no Member of the said Corporation [*Bank of England*] shall, for or by reason of any of the Matters or Things in this Act contained, be disabled from being a Member of Parliament, or be adjudged liable to be a Bankrupt within the Intent and Meaning of all or any the Statutes made against or concerning Bankrupts; and that the said Fund or Allowance, after the Rate of Four Pounds and Ten Shillings *per Centum per Annum*, shall not be subject or liable to any Foreign Attachment by the Custom of the City of London, or otherwise.

5 Annæ, Cap. 22.

An Act to explain and amend an Act of the last Session of Parliament, for preventing Frauds frequently committed by Bankrupts.

**W**Hereas an Act made in the First Session of this Preamble. present Parliament, held in the Fourth and Fifth

## Statutes at Large made against

5. Ann. c. 29.

Fifth Years of Her Majesty's Reign, intituled, *An Act for preventing Frauds frequently committed by Bankrupts*, hath not answered the good Intent thereof; but, to the contrary, many notorious Frauds and Abuses have been committed, notwithstanding the Provisions and Penalties in the said Act: For Prevention whereof in the future, and for explaining and amending the said late Act, be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons who shall become Bankrupt within the several Statutes made against Bankrupts, or any of them, or any other Person or Persons, by or with his, her, or their Order, Consent, or Privity, shall from and after the Fifth and twentieth Day of *April*, in the Year of our Lord One thousand seven hundred and seven, remove, carry away, conceal, destroy, or imbezel any of the Goods, Wares, Merchandizes, Monies, or Effects, whereof he, she, or they, or any Person or Persons in trust for him, her, or them, is or are possessed or intituled, unto the Value of Twenty Pounds, or upwards, or any Books of Accompts, Bonds, Bills, Notes, Papers, or Writings relating thereunto, with Intent to defraud his, her, or their Creditors, every such Person and Persons so becoming Bankrupt, and being there lawfully convicted, shall suffer as a Felon without Benefit of Clergy; and in such Case such Bankrupt's Goods and Estate shall go to and be divided among the Creditors; any Law, Usage, or Custom to the contrary notwithstanding.

Bankrupts, or any others with their Privity, removing, concealing, &c. any Goods, Wares, &c. to the Value of 20 l. shall suffer as Felons, and their Estate be divided among their Creditors.

No Bankrupt shall be discharged by 4 & 5 Annæ, c. 17. unless the Allowance and Certificate be confirmed by Four Parts in Five in Number and Value of the Creditors.

2. And be it further enacted by the Authority aforesaid, That from and after the said Five and twentieth Day of *April*, in the Year of our Lord One thousand seven hundred and seven, no Person or Persons that have, or hath, or shall become Bankrupts shall be discharged from all or any of his, her, or their Debts owing at the Time of such Bankruptcy, or be intituled to any Allowance or Benefit given or provided by the said late Act of Parliament, made in the Fourth and Fifth Years of Her now Majesty's Reign, unless the Allowance thereby given, and the Certificate by the said Act directed to be made and confirmed, shall be first signed by Four Parts in Five

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5. Ann c. 22.

Number and Value of the Creditors of such Bankrupts, who shall have duly proved their Debts, or some of them by them authorized thereunto, testifying their Consent to such Allowance and Certificate (saving and excepting only such Allowances and Certificates, which have been already made and granted, according to the Intent and Meaning of the said late Act, which shall be good and effectual in the same Manner, and no otherwise, as if this present Act had not been made) any thing in the said late Act, or herein contained, to the contrary notwithstanding.

Provided always, and be it enacted by the Authority aforesaid, That every Bond, Bill, Note, Contract, Agreement, or other Security whatsoever, to be made or given by any Bankrupt, or by any other Person for him, unto or to the Use of, or in Trust for any Creditor or Creditors, or for securing the Payment of any Debt or Sum of Money due from such Bankrupt, at the Time of his becoming Bankrupt, or any Part thereof, between the Time of his becoming a Bankrupt, and the Time of such Bankrupt's discharge, as a Consideration, or to the Intent to induce or persuade him or her to consent to or sign any such Allowance or Certificate, shall be wholly void and of no Effect; and the Monies thereby secured or agreed to be paid, shall not be recovered or recoverable; any thing herein contained, or any Law, Custom, or Usage to the contrary notwithstanding.

And be it further enacted by the Authority aforesaid, That where any Commission of Bankrupts shall issue out from and after the said Five and twentieth Day of April, in the Year of our Lord One thousand seven hundred and seven, the Commissioners there named, or the major Part of them, shall forthwith give Notice thereof to be given in the *Gazette*, and shall appoint a Time and Place for the Creditors to meet, at which Meeting for the City of London, and all Places within the Bills of Mortality, shall be at the Guildhall of the said City, in order to choose Assignee or Assignees of the Bankrupt's Estate; and the said Commissioners, or the major Part of them, shall assign every such Bankrupt's Estate and Effects unto such Person or Persons only, and no other, as shall be nominated and chosen by the major Part of the Creditors then present;

All Securities given by a Bankrupt to a Creditor to induce him to sign such Certificate, shall be void.

The Commissioners shall give Notice of any Commission in the *Gazette*, and appoint Time and Place for the Creditors to meet and choose Assignees, who shall keep Books of the Bankrupt's Estate.

In 04. 125.

5. Ann C. 22.

present; and the Assignee or Assignees so chosen shall be obliged to keep Books of the Account of the Bankrupt's Estate, with Liberty for any of the Creditors to reform and inspect them.

*Art 104.*  
*125.* The Commissioners may make Assignees removeable at the Meeting of the Creditors, if they think fit; which Assignees refusing to deliver the Estate, &c. to the Assignees chosen by the Creditors, shall forfeit 100 £. to be divided among the Creditors.

5. Provided always, That it shall and may be lawful for the said Commissioners, or the major Part of them, as often as they shall see cause, for the better preserving or securing the Bankrupt's Estate, immediately to appoint and make One or more Assignee or Assignees of the said Estate, or any Part thereof; which Assignee or Assignees, or any of them, shall or may be removed or displaced at the said Meeting of the Creditors, if the major Part of them then present shall so think fit; and such Assignee or Assignees as shall be so removed or displaced, shall deliver and assign all the Effects and Estate of the Bankrupt, which before that Time shall have come to him, her, or their Hands or Possession, or shall have been assigned to him, her, or them, unto such other Assignee or Assignees, as shall be chosen by the said major Part of the Creditors present at such Meeting; and the Effects and Estate of the Bankrupt, which shall be so delivered up or assigned, shall be to all Intents and Purposes as effectually vested in such new Assignee or Assignees, as if the first Assignment had been made to him, her, or them, by the said Commissioners; and if any of the said first Assignees shall refuse or neglect by the Space of Fourteen Days next after Notice given of the Choice of such new Assignee or Assignees, and of his, her, or their Consent to accept such Assignment, signified to the first Assignee or Assignees, by Writing under his, her, or their Hands, to make such Assignment and Delivery, as aforesaid, every such first Assignee or Assignees shall respectively forfeit the Sum of One hundred Pounds, over and above the Value of such Money, Goods, and Effects, that came to his or their Hand respectively by virtue of such Assignment, to be divided and distributed among the Creditors, as the Bankrupt's Estate is or ought to be, and to be recovered by Action of Debt, Bill, Complaint or Information, in any of Her Majesty's Courts of Record at *Westminster*, by such Person or Persons as the said major Part of the Creditors shall appoint to sue for the same, with full Costs of Suit, where no Privilege, Protection, or Wager of Law, or more than



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5. Ann c. 22.

one Imparance shall be allowed; any Law, Custom, or Usage to the contrary notwithstanding.

And be it also further enacted by the Authority Assignees may compound with Debtors to the Bankrupt. That such Assignee or Assignees so to be compound with Debtors to the Bankrupt. as aforesaid, or the major Part of them, shall and are hereby impowered to make Compositions with any Person Debtor, or Accomptant to such Bankrupt, where the same shall appear necessary and reasonable, and to take such reasonable Part, as can upon Composition be gotten, in full Discharge of such Debts or Accompts; any Law, Custom, or Usage to the contrary notwithstanding.

And for preventing the taking out Commissions Bankrupt fraudulently or maliciously, be it further enacted by the Authority aforesaid, That no Commission of Bankrupts under the Great Seal of England, after the Five and twentieth Day of April, in the Year of our Lord One thousand seven hundred and eight, be awarded or issued out against any Person whatever, at the Instance or upon the Petition of any one Creditor or Creditors, unless the single Debt of such Creditor do amount to the Sum of One Hundred Pounds or upwards, or unless the Debt of Two Creditors so petitioning, as aforesaid, shall amount to One Hundred and Fifty Pounds and upwards, or unless the Debt of Three or more Creditors, so petitioning, as aforesaid, shall amount to Two Hundred Pounds and upwards: And the Creditor or Creditors petitioning for such Commission, shall before the same be granted, give Bond to the Lord Chancellor, Lord Keeper, or Commissioners of the Great Seal for the time being in Penalty of Two Hundred Pounds, to be conditioned for proving his, her, or their Debts, and also for proving the Party a Bankrupt at the Time of taking out such Commission: And if such Debt or Debts shall not be really due and owing, or if after such Commission taken out, it cannot be proved that the Party was Bankrupt at the time, but on the contrary it shall appear, that such Commission was taken out fraudulently or maliciously, that then the Lord Chancellor, Lord Keeper, or Commissioners of the Great Seal, for the time being, shall and may, upon Petition of the Party or Parties grieved, assign such Bond to recompense him, her, or them, in Damages; any Law, Custom, or Usage, to the contrary notwithstanding.

No Commission shall issue, unless the Debt of one petitioning Creditor amount to 100l. or Two to 150l. of Three to 200l. The petitioning Creditors to give Bond, &c.

Report 121.

No Farmer,  
Grazier, &c.  
entitled to the  
Benefit hereof,  
or of 4 & 5  
*Annæ, c. 17.*

*45. Annæ. 22.*  
8. Provided always, and it is hereby further  
declared and enacted by the Authority aforesaid,  
That no Farmer, Grazier, or Drover of Cattle  
any Person who is or hath been a Receiver General  
of Taxes granted by Parliament, shall be entitled  
any of the Benefits given by this or the said late  
made in the Fourth and Fifth Years of Her Majesty's  
Reign, nor be deemed a Bankrupt within the said  
or any former Act made against Bankrupts;  
Law, Custom, or Usage, to the contrary notwithstanding.

To continue  
for Two  
Years.

9. And be it further enacted by the Authority aforesaid,  
That this Act shall continue and be in Force  
for the Space of Two Years, and from thence  
the End of the next Session of Parliament, and  
longer.

*Continued by 7 Annæ, Cap. 25. E X P.*

### Anno 7 Annæ, Cap. 7.

An Act for enlarging the Capital Stock  
of the Bank of *England*, and for raising  
a further Supply to Her Majesty, for the  
Service of the Year One thousand seven  
hundred and nine.

*SECT. 59.* **A**ND it is hereby further enacted by  
the Authority aforesaid, That no Member  
of the said Corporation shall, for or by reason of any  
Matters or Things in this Act contained, be  
disabled from being a Member of Parliament, or be  
judged liable to be a Bankrupt, within the Intent  
Meaning of all or any the Statutes made against  
concerning Bankrupts; any Law, Statute, or Proviso  
to the contrary thereof, in any wise notwithstanding.

An

Anno 7 Annæ, Cap. 12.

Act for preserving the Privileges of Ambassadors, and other Publick Ministers of Foreign Princes and States.

5. **P**ROVIDED, and be it declared, That no Merchant or other Trader whatsoever, within Description of any of the Statutes against Bankrupts, hath or shall put himself into the Service of any Ambassador or Publick Minister, shall have or take Manner of Benefit by this Act.

Anno 7 Annæ, Cap. 25.

Act for making perpetual an Act for the better preventing the counterfeiting the current Coin of this Kingdom, as also an Act for giving like Remedy upon Promissory Notes, as is used upon Bills of Exchange; and also for continuing several Acts made in the Fourth and Fifth Years of Her Majesty's Reign for preventing Frauds committed by Bankrupts.

4. **A**ND whereas an Act made in the Fourth Year of Her present Majesty's Reign (intituled, *An Act to prevent Frauds frequently committed by Bankrupts*) and another Act made in the Fifth Year of Her said Majesty's Reign (intituled, *An Act to explain and amend an Act of the last Session of Parliament for preventing Frauds frequently committed by Bankrupts*) are near

expiring : Be it enacted by the Authority aforefaid, That the faid A<sup>c</sup>t made in the Fourth Year of Her prefent Majesty's Reign, and the faid A<sup>c</sup>t made in the Fifth Year of Her Reign, concerning Frauds committed by Bankrupts, and every Clause, Article, and Sentence in the faid before recited A<sup>c</sup>ts, and either of them contained, fhall be and are hereby continued, and fhall be in Force from the Twenty fifth Day of *April*, One thoufand feven hundred and nine, for the Space of Five Years, and from thence to the End of the Seffion of Parliament then next following, and no longer. E X

Anno 9 Annæ, Cap. 21.

An A<sup>c</sup>t for making good Deficiencies, and fatisfying the publick Debts ; and for erecting a Corporation to carry on a Trade to the *South Seas*, and for the Encouragement of the Fishery, and for Liberty to trade in unwrought Iron with the Subjects of *Spain*, and to repeal the A<sup>c</sup>ts for regiftring Seamen.

*Se<sup>c</sup>t. 42.* **A**ND be it enacted, That no Member of the faid intended Company, to be erected in Purfuance of this A<sup>c</sup>t, fhall, in refpect of his or her being a Member, Governor, Director, Manager thereof, or having any Stock therein or by Reason of any other Matter or Thing in the A<sup>c</sup>t contained, be disabled from being or continuing a Member of Parliament ; nor fhall be, or be judged liable to be a Bankrupt, within the Intention and Meaning of all or any the Statutes made againft concerning Bankrupts. And that no Stock in the intended Company fhall be fubject or liable to a Foreign



or concerning Bankrupts.

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ign Attachment, by the Custom of the City of  
don, or otherwise.

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Anno 10 Annæ, Cap. 15.

An Act for repealing a Clause in the Statute made in the Twenty first Year of the Reign of King James the First, intituled, *An Act for the further Description of a Bankrupt, and Relief of Creditors against such as shall become Bankrupts, and for inflicting Corporal Punishment upon the Bankrupts, in some special Cases*, which makes Descriptions of Bankrupts; and for the Explanation of the Laws relating to Bankruptcy, in case of Partnership.

Whereas by an act made in the One and twen- Preamble.  
tieth Year of the Reign of King James the  
st, intituled, *An Act for the further Description of  
Bankrupt, and Relief of Creditors against such as shall  
ome Bankrupts, and for inflicting Corporal Punishment  
in the Bankrupts, in some special Cases*; it is amongst  
er Things enacted, That all and every Person or  
sons using, or that shall use the Trade of Mer-  
andize, by Way of Bargaining, Exchange, Bar-  
ing, Chevissance, or otherwise in Gross or by Re-  
or, or seeking his or her living by buying and sell-  
or that should use the Trade or Profession of a  
vener, receiving other Mens Monies or Estates  
to his Trust, or Custody, who at any Time after  
the End of the said Session of Parliament, being in-  
ted to any Person or Persons in the Sum of One  
undred Pounds or more, should not pay or other-  
ic compound for the same within Six Months next  
after

10. Ann. c. 15.

after the same should grow due, and the Debtor arrested for the same, or within Six Months after original Writ sued out to recover the said Debt, a Notice thereof given unto him, or left in Writing at his or their Dwelling House or last Place of Abode, or being arrested for the Sum of One Hundred Pounds or more of just Debt or Debts, should, at any Time after such Arrest, procure his Enlargement by putting in common or hired Bail, should be accounted and adjudged a Bankrupt to all Intents and Purposes, and in the said Cases of Arrest, or getting forth common or hired Bail, from the Time of his or her said first Arrest: And whereas it is found by Experience, that many and great Mischiefs and Inconveniences have happened, especially of late, to Trade and Credit in General, by Reason of the said Descriptions of a Bankrupt: For Remedy thereof in the future, be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That the said Act, and all and every other Act and Acts of Parliament whatsoever, so far forth as they relate to the said Descriptions of a Bankrupt, be from and after the Twentieth Day of April, in the Year of our Lord One thousand seven hundred and twelve, repealed and made void; and that no Person or Persons whatsoever, with the said Descriptions, or any of them, shall, from and after the said Twentieth Day of April, for or by Reason of the same, be taken or adjudged to be within the Statute or Statutes of Bankrupt whatsoever.

The Act 21  
Jac. c. 19.  
so far as re-  
lates to the re-  
cited Descrip-  
tion of a Bank-  
rupt, repealed.

See ante  
25.

No Sale of the  
Estate of Per-  
sons within the  
said Descrip-  
tions, before  
the said 20  
April shall be  
impeached.

2 Provided nevertheless, and be it enacted by the Authority aforesaid, That no Act, Sale or Distribution of any the Estate of such Persons within the said Descriptions, or any Distribution of the same, by or under any Commission or Commissions of Bankruptcy before the said Twentieth Day of April taken out against such Person or Persons, shall be hereby impeached or frustrated, but that the same shall be enjoyed for and towards Satisfaction of the Debts, for which the same have been disposed or distributed.

3. And whereas a Doubt has arisen upon an Act made in the Fourth Year of Her Majesty's Reign, intituled, *An Act to prevent Frauds frequently committed*

# or concerning Bankrupts.

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10. Ann c. 15.

Bankrupts, whether the Discharge of a Bankrupt, by the Virtue of that Act, should be construed to discharge the Partners of such Bankrupt, from the same Debt; it therefore further enacted and declared by the Authority aforesaid, That by the Discharge of any Bankrupt or Bankrupts, by Force of the said Act, or any other Acts relating to Bankrupts, from the Debts by him, her, or them due and owing, at the Time that he, she, or they did become a Bankrupt, shall not be construed, nor was meant or intended to release or discharge any other Person or Persons, who was or were Partner or Partners with the said Bankrupt in Trade, at the Time he, she, or they became a Bankrupt, or when stood jointly bound, or had made any joint Contract together with such Bankrupt or Bankrupts, for the same Debt or Debts, from which he was discharged, as aforesaid, but that notwithstanding such Discharge, each Partner and Partners, joint Obligor and Obligors, and joint Contractors with such Bankrupt and Bankrupts, as aforesaid, shall be and stand chargeable with, and liable to pay such Debt and Debts, and to perform such Contracts, as if the said Bankrupt and Bankrupts had never been discharged from the same.

The Discharge of a Bankrupt by Virtue of 4 & 5 Anne, c. 17. shall not discharge his Partner in Trade at the Time he became Bankrupt.

Anno

## Anno 3 Georgii, Cap. 8.

An Act for redeeming several Funds of the Governor and Company of the Bank of *England*, pursuant to former Provisions of Redemption; and for securing to them several new Funds and Allowances redeemable by Parliament; and for obliging them to advance further Summs not exceeding Two Millions five hundred thousand Pounds, at Five Pounds *per Centum*, as shall be found necessary to be employed in lessening the National Debts and Incumbrances; and for continuing certain Provisions formerly made for the Expences of His Majesty's Civil Government; and for Payment of Annuities formerly purchased at the Rate of Five Pounds *per Centum*; and for other Purposes in this Act mentioned.

*Sec. 43.* **A**ND it is hereby further enacted, That no Member of the Corporation of the Governor and Company of the Bank of *England*, for or by Reason of any the Matters or Things in this Act contained, shall be disabled from being a Member of Parliament, or be adjudged liable to be a Bankrupt within the Intent and Meaning of all or any of the Statutes made against or concerning Bankrupts; any Law, Statute, or Provision to the contrary in any wise notwithstanding.

Anno



Anno 3 Georgii, Cap. 9.

An Act for redeeming the yearly Fund of the *South Sea Company* (being after the Rate of Six Pounds *per Centum per Annum*) and settling on the said Company a yearly Fund after the Rate of Five Pounds *per Centum per Annum*, redeemable by Parliament; and to raise for an Annuity or Annuities at Five Pounds *per Centum per Annum*, any Sum, not exceeding Two Millions, to be employed in lessening the National Debts and Incumbrances, and for making the said New Yearly Fund and Annuities to be hereafter redeemable in the Time and Manner thereby prescribed.

7. **A**ND be it enacted by the Authority aforesaid, That no Governor, Sub-Governor, Deputy-Governor, or Member of the said Company, by Reason of his being a Member of the said Company, or of any Matter or Thing in this Act contained, be now, or at any Time hereafter, disabled from being continuing, or from being elected, or serving as a Member of Parliament; nor shall be, or be adjudged liable to be a Bankrupt within the Intent and Meaning of all or any the Statutes made against or concerning Bankrupts; any Law, Custom, or Usage, to the contrary notwithstanding.

Anno

## Anno 3 Georgii, Cap. 12.

An Act to impower Commissioners in Commissions of Bankrupts, issued since the Four and twentieth Day of *June* One thousand seven hundred and six and on or before the Six and twentieth Day of *June*, One thousand seven hundred and sixteen, to make Certificates for Bankrupts, and the Lord Chancellor, Lord Keeper, Commissioners of the Great Seal, or Two Judges, to confirm the same, notwithstanding the Acts of the Fourth and Fifth and the Fifth of *Queen Anne*, are expired; and for continuing a Clause in a former Act for adjusting Accounts between Bankrupts and their Debtors.

E X P.

Preamble, reciting the Acts of 4 & 5 A. c. 17. and 5. A. c. 22.

**W**HEREAS it was by an Act of Parliament made in the Fourth and Fifth Years of the Reign of Her late Majesty *Queen Anne*, intituled, *An Act to prevent Frauds frequently committed by Bankrupts*, amongst other Things, enacted, That if any Person or Persons, who, from and after the Four and twentieth Day of *June*, in the Year of our Lord One thousand seven hundred and six, should become a Bankrupt within the several Statutes made against Bankrupts, or any of them, and against whom a Commission of Bankrupts, under the Great Seal of *England*, should be awarded and issued out, should not, within Thirty Days next after Notice thereof in writing left at the Place of the usual Abode of such Person or Persons, and Notice given in the *Gazette*, that such Commission

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3. 4. 1. 2. 12.

on or Commissions was or were issued forth, and of the Time and Place of a Meeting of the Commissioners, surrender him, her, or themselves to the Commissioners named in the said Commission, or some of them, and submit to be examined from time to time upon Oath by and before the said Commissioners, or the major Part of them, by the said Commission authorized, and in all Things conform to the several Statutes already made concerning Bankrupts, and also, upon such Examination, fully and truly disclose and discover how, and in what Manner, and to whom, and upon what Consideration, he, she, or they had disposed, assigned, or transferred any of his, her, or their Goods, Wares, Merchandizes, Money, or other Effects or Estate, and all Books, Papers, and Writings relating thereunto, of which he, she, or they were possessed, or in or to which he, she, or they were any way interested or intitled, or which any Person or Persons, had or have had in Trust for him, her, or them, or for his, her, or their Use, at any Time before or after the issuing out of the said Commission, and also deliver up unto the said Commissioners, or the major Part of the Commissioners by the said Commission authorized, all such Part of his, her, or their the said Bankrupt's Goods, Wares, Merchandizes, Effects, or Estate, and all Books, Papers, and Writings relating thereunto, as at the Time of such Examination should be in his, her, or their Possession, Custody, or Power (his, her, or their, and his, her, and their Wives and Childrens necessary Wearing Apparel only excepted) then he, she, or they the said Bankrupt, in case of any Default or wilful Omission therein, or in any the Premisses, and being thereof lawfully convicted by Indictment or Information, shall suffer as a Felon, without the Benefit of Clergy; and that all and every Person and Persons so becoming Bankrupt, as aforesaid, who should within the Time limited by this Act, surrender him, her, or themselves to the major Part of the Commissioners therein named, and in all Things conform, as in and by the said Act was directed, should be allowed the Sum of Five Pounds *per Centum* out of the neat Product of all the Estate that should be recovered in, and received on such Discovery, which should be paid unto him by the Assignee or Assignees of the said Commissioners, so  
as

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as the said Five Pounds *per Centum* should not amount in the whole to above the Sum of Two Hundred Pounds, and should be discharged from all Debts, by him, her, or them due and owing at the Time that he, she, or they did become Bankrupt; and in Case any such Bankrupt should afterwards be arrested, prosecuted, or impleaded for any Debt due before such Time, as he, she, or they became Bankrupt, such Bankrupt should be discharged upon common Bail, and should and might plead in General, That the Cause of such Action or Suit did accrue before such Time as he became Bankrupt, and might give this Act and the special Matter in Evidence; and if a Verdict should pass for the Defendant, or the Plaintiff should become nonsuited, or Judgement be given against the Plaintiff the Defendant should recover his Costs, as in other Cases: Provided, That if the neat Proceed of such Bankrupt's Estate, so to be discovered, recovered, and received, together with what should be otherwise recovered and received, should not amount to so much as would pay all and every of the Creditors of such Bankrupt the Sum of Eight Shillings in the Pound, after all Charges first had and deducted, That then, and in such Case, such Bankrupt should not be allowed the said Sum of Five Pounds *per Centum* of such Estate as should be so recovered in, but should be allowed and paid, by the Assignees, so much Money as the said Assignees and the major Part of the said Commissioners should think fit to allow to such Bankrupt, and no more: And for the better Encouragement of such Persons as were become Bankrupts, to make a true and just Discovery of their Estates, and to deliver the same up, for the Use and Benefit of their Creditors, it was thereby enacted, That all and every Person and Persons, who are become Bankrupts, and against whom a Commission of Bankrupts had issued, before the Tenth Day of *March*, One thousand seven hundred and five, who should voluntarily, on or before the Four and twentieth Day of *June*, One thousand seven hundred and six, surrender him, her, or themselves to the Commissioners in such Commission named, or the major Part of them, and submit to be examined, from time to time, upon Oath, by and before the said Commissioners, or the major Part of them, and in all Things conform to the several Statutes already made concerning Bankrupts, and



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3. G. 1. c. 12.

the said Act, should to all Intents and Purposes  
 be the Benefit of the said Act: And it was by the  
 said Act further enacted, That no Discovery upon Oath  
 be made by any Bankrupt of his or her Estate and  
 Effects, pursuant to the said Act, should intitle such  
 Bankrupt to the Benefits allowed by the said Act, unless  
 the Commissioners of Bankrupts, or the greater Part  
 of them that should be named in the Commission issued,  
 to be issued against him or her, should, in Writ-  
 ing under their Hands and Seals, certify to the Lord  
 Chancellor of *England*, Lord Keeper, or Commissioners  
 for the Custody of the Great Seal of *England* for the  
 time being, that such Bankrupt had made Discovery  
 of his Estate and Effects, and in all Things conform-  
 ed himself according to the Directions of the said  
 Act, and that there did not appear to them any Reason  
 of Doubt of the Truth of such Discovery, or that the  
 same was not a full Discovery of all such Bankrupt's  
 Estate and Effects; and unless such Certificate should  
 be allowed and confirmed by the Lord Chancellor,  
 Lord Keeper, or Commissioners for the Custody of  
 the Great Seal of *England* for the time being, or by  
 any Two of the Judges of the Courts of Queen's  
 Bench, Common Pleas, and Court of Exchequer at  
 Westminster, to whom the Consideration of such Cer-  
 tificate should be referred by the Lord Chancellor,  
 Lord Keeper, or Commissioners for the Custody of  
 the Great Seal of *England* for the time being; and  
 the Creditors of such Bankrupts were to be allowed  
 to be heard, if they should think fit, before the re-  
 spective Persons aforesaid, against the making such Cer-  
 tificate, and against the Confirmation thereof: And  
 whereas it was by an Act of Parliament, made in the  
 fifth Year of Her said late Majesty's Reign, intituled,  
*An Act to explain and amend an Act of the last Session*  
*of Parliament, for preventing Frauds frequently commit-*  
*ted by Bankrupts*, reciting that the herein before men-  
 tioned Act had not answered the good Intent thereof,  
 and that on the contrary many notorious Frauds and  
 Abuses have been committed, notwithstanding the Pro-  
 visions and Penalties in the said Act (amongst other  
 Things) enacted, That if any Person or Persons, who  
 should become Bankrupt within the several Statutes  
 made against Bankrupts, or any of them, or any other  
 Person or Persons, by or with his, her, or their Or-  
 der,

3. 4. 5. 6. 12.

der, Consent, or Privity, should, from and after Five and twentieth Day of *April*, in the Year of Lord One thousand seven hundred and seven, remove, carry away, conceal, destroy, or imbezel any of Goods, Wares, Merchandizes, Monies, or Effects whereof he, she, or they, or any Person or Persons in trust for him, her, or them, was or were possessed or intitled unto, to the Value of Twenty Pounds or upwards, or any Books of Accompts, Bonds, Bills, Notes, Papers, or Writings relating thereunto, with intent to defraud his, her, or their Creditors, every such Person and Persons so becoming Bankrupt, being thereof lawfully convicted, should suffer as a Felon without Benefit of Clergy; and that in the Case such Bankrupt's Goods and Estate should go and be divided amongst the Creditors; any Law, Usage, or Custom to the contrary notwithstanding; and from and after the said Five and twentieth Day of *April*, in the Year of our Lord One thousand seven hundred and seven, no Person or Persons that had should become Bankrupts, should be discharged from all or any of his or their Debts owing at the Time of such Bankruptcy, or be intitled to any Allowance or Benefit given or provided by the said late Act of Parliament, made in the Fourth and Fifth Years of Her said late Majesty's Reign, unless the Allowance thereby given, and the Certificate by the said Act directed to be made and confirmed, should be signed by Four Parts in Five in Number and Value of the Creditors of such Bankrupts, who should have duly proved their Debts, or some others by them authorized thereunto, testifying their Consent to the Allowance and Certificate (saving and excepting of such Allowances and Certificates, which had been made and granted, according to the true Intent and Meaning of the said late Act, which should be good and effectual, in the same Manner, and no other, as the said last recited Act had not been made) any thing in the said Acts contained to the contrary notwithstanding; which said recited Acts expired on the Fifth and twentieth Day of *June*, last past. And where there are divers Persons, against whom Commissions of Bankrupts issued on or before the said Twenty fifth Day of *June*, who have surrendered themselves to the major Part of the Commissioners in the said Com-

3. Geo. 1. c. 12.

Persons named, and fully and truly discovered and delivered up all their Estates and Effects, and all Books of Accounts, Bonds, Bills, Notes, Papers, and Writings relating thereto; and have in all Things conform themselves to the Directions of the said Acts, and their Parts in Five in Number and Value of their Creditors, are desirous they should have the Benefits allowed by such Acts; but a Doubt having arisen, whether the major Part of the Commissioners, in such Commissions named, have Power to make such Certificates, and whether the Lord Chancellor of *Great Britain*, Lord Keeper, or Commissioners for the Custody of the Great Seal of *Great Britain* for the time being, or Two of the Judges of the Courts of King's Bench, Common Pleas, or Court of Exchequer at *Westminster*, to whom the consideration of such Certificate shall be referred by the Lord Chancellor, Lord Keeper, or Commissioners for the Custody of the Great Seal of *Great Britain* for the time being, have Power to hear and determine any Complaint that shall be made by any Creditor of such Bankrupt, against the Allowance and Confirmation of such Certificate, and to allow and confirm the same, if the Lord Chancellor, Lord Keeper, or Commissioners for the Custody of the Great Seal of *Great Britain*, or Two Judges, shall think fit; be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Person or Persons, against whom Commissions of Bankrupts issued after the Four and twentieth Day of *June*, One thousand seven hundred and six, and on or before the Four and twentieth Day of *June*, One thousand seven hundred and sixteen, who have fully and truly discovered and delivered up all their Estates and Effects, and all Books of Accounts, Bonds, Bills, Notes, Papers, and Writings relating thereunto, to the major Part of the Commissioners in such Commissions named, according to the Directions of the said late Acts, or of either of them, or shall, on or before the Five and twentieth Day of *December* next ensuing, fully and truly discover and deliver up all their Estate and Effects, and all Books of Accounts, Bonds, Bills, Notes, Papers, and Writings relating thereunto, to the major Part of the Commissioners in such Commissions named, according to the Directions of the

Persons against whom Commissions issued after *June 24, 1706.* and on or before *June 26, 1716.* who have or shall deliver up their Effects by *Dec. 25.* next ensuing, shall be entitled to the Benefit of the recited Act.

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the

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3. Geo. 1. c. 12.

the said late Acts, or either of them, shall be entitled and shall have and receive such Benefits and Allowances as by the said late Acts, or either of them, are given and allowed to such Bankrupts, and shall be discharged from all his, her, or their Debts owing at the Time of the Bankruptcy, as other Bankrupts have been discharged by the said Acts, or either of them; and the major Part of the Commissioners in such Commissions named, are hereby impowered to make such Certificates, as by the said Acts, or either of them, is directed; and the Lord Chancellor, Lord Keeper, or Commissioners of the Great Seal of Great Britain for the time being, or any Two or Three of them, the Judges of the Court of King's Bench, Common Pleas, and Exchequer, to whom the Consideration of such Certificate shall be referred by the Lord Chancellor, Lord Keeper, or Commissioners of the Great Seal for the time being, is and are hereby impowered to hear and determine any Complaint of any Creditor or Creditors, against the Allowance and Confirmation of such Certificates, and to allow and confirm the same, if they shall think fit; such Certificate, and the Allowance and Benefit given by the said Acts, or either of them, being first signed by Four Parts in Five in Number and Value of the Creditors of such Bankrupts, who shall have duly proved their Debts, or some others whom they shall duly authorize thereunto, testifying their Consent to such Allowance and Certificate; and such Certificate, when allowed and confirmed, are hereby declared to be of as full Force and Effect, and the same shall be of as full Force and Effect, to all Intents and Purposes, as if the same had been made, and allowed, and confirmed before the said Sixteenth Day of June, One thousand seven hundred and sixteen.

Persons against whom Commissions issued as aforesaid, and who have not, nor shall surrender themselves, &c. before Dec. 25, 1717. shall suffer as Felons.

2. And it is hereby further enacted, That all and every Person and Persons, who became a Bankrupt or Bankrupts after the Twenty fourth Day of June, One thousand seven hundred and six, and against whom a Commission of Bankrupt, or Commissions of Bankrupts, were sued after the said Twenty fourth Day of June, One thousand seven hundred and six, and on or before the Twenty sixth Day of June, One thousand seven hundred and sixteen, who hath not, or have not already surrendered himself, herself, or themselves, and discovered and delivered up all his, her, or their Estates and Effects, and all Books of Accounts, Bonds, Bills, Notes, Papers, and Writings relating thereunto, to the major



3. G. 1. c. 12.

the Commissioners in such Commission named according to the Directions of the said late Acts, or either of them, or who shall not surrender himself, herself, or themselves, and discover and deliver up all his, her, or their Estates and Effects, and all Books of Accounts, Bonds, Bills, Notes, Papers, and Writings, relating hereunto, to the major Part of the Commissioners in such Commission named, according to the Directions of the said late Acts, or either of them, on or before the said Twenty fifth Day of *December*, One thousand seven hundred and seventeen, shall, to all Intents and Purposes, be deemed to be a Felon or Felons, and suffer as a Felon, and be liable and subject to all the Pains and Penalties fraudulent Bankrupts were by the said late Acts, or either of them, to be liable and subject to.

3. And whereas in the before mentioned Act of the fourth Year of Her said late Majesty's Reign, which did expire the Six and twentieth day of *June*, One thousand seven hundred and sixteen, as aforesaid, there is contained a Clause in the Words following (that is to say) And be it further enacted by the Authority aforesaid, That where there shall appear to the Commissioners, or the major Part of them, that there hath been mutual Credit given between such Person or Persons, against whom such Commissions shall issue forth, and any Person or Persons who shall be Debtor or Debtors to such Person or Persons, and due Proof thereof made, and that the Accounts are open and unbalanced, that then it shall be lawful for the Commissioners in the said Commission named, or the major Part of them, or the Assignee or Assignees of such Commission, to adjust the said Accounts, and to make the Balance due in full Discharge thereof; and the Person, Debtor to such Bankrupt, shall not be compelled or obliged to pay more than shall appear due on such Balance: Which Clause has proved, and is conceived will prove, very necessary and useful for doing Justice between Traders; be it enacted and declared by the Authority aforesaid, That the said last mentioned Clause, and every Matter and Thing therein contained, do continue and be in Force, as well in relation to all and every Person and Persons, against whom any Commission of Bankrupt shall have issued since the said Six and twentieth Day of *June*, One thousand seven hundred and sixteen, as all and every Person or Persons, against whom any Commission of Bankrupt shall be issued.

The Clause in the Act 4 & 5 A. c. 17. relating to the mutual Credit between Bankrupts and others, continued.

Bankrupt shall hereafter issue, and also in relation to and every Person and Persons, Debtor or Debtors to such Bankrupt or Bankrupts; and that the said Clause continue in Force for and during Seven Years, and from thence to the End of the next Session of Parliament.

## Anno 5 Georgii, Cap. 19.

An Act for redeeming the Fund appropriated for Payment of the Lottery Tickets, which were made forth for the Service of the Year One thousand seven hundred and ten, by a voluntary Subscription of the Proprietors in to the Capital Stock of the *South Sea Company*; and for raising a Sum of Money to pay off such Debts and Incumbrances as are therein mentioned; and for appropriating the Supplies granted in this Session of Parliament and to limit Times for Prosecution upon Bonds for exporting Cards and Dice.

*Sec. 27.* **A**ND be it further enacted by the Authority aforesaid, That no Person, in respect of his being Governor, Sub-Governor, Deputy-Governor, Director, Manager, or a Member of the said Company or for having any Stock or Share therein, or by Reason of his being named or acting as a Manager, or Director, or otherwise, for taking the said Subscriptions, or for any other Matter or Thing to be by him done or performed by or in pursuance of this Act only, shall be, or be adjudged liable to be a Bankrupt, within the Intent and Meaning of all or any of the Statutes made against concerning

concerning Bankrupts; and that the Stock in the said Company shall not be subject and liable to any Foreign Attachment by the Custom of the City of *London*, or otherwise; any Law, Statute, Usage, or Custom to the contrary notwithstanding.

Anno 5 Georgii, Cap. 24.

An Act for the better preventing Frauds committed by Bankrupts.

Whereas Commissions of Bankrupts were issued against several Persons, not long before the Expiration of the several Statutes made in Her late Majesty's Reign, for preventing Frauds frequently committed by Bankrupts, and such Persons have been declared Bankrupts by the Commissioners by such Commissions, authorized; and yet such Bankrupts, by Reason of the Expiration of the said Statutes, have not only refused to surrender themselves to the Commissioners, and to discover and deliver up their Estate and Effects to the said Commissioners, for the Benefit of their Creditors, but have carried away and concealed the same, in such Manner, that the said Commissioners have not been able to seize the same, to the manifest Wrong and Injury of their Creditors, and to the great Discouragement of Trade: And whereas many evil-minded Persons have, since the Expiration of the said Statutes, bought and taken up on Trust and Credit, divers great Quantities of Goods, Wares and Merchandizes, and have thereby and otherwise contracted great Debts; and, having gotten such Goods and Effects into their Custody, have sold the same for less than the Value thereof, and thereby raised ready Money, and have withdrawn themselves from their usual Places of Abode with their Effects, into the *Mint*, and other secret or pretended Privileged Places, in order to oblige their Creditors to accept of such Composition for their respective Debts, as such evil-minded Persons think fit to give; or have carried away their Effects beyond the Seas, whereby their Creditors have been totally deprived of their

5. G. 1. 1. 24.

Persons against whom a Commission of Bankrupt has or shall issue after May 26, 1716. not surrendering in 30 Days after Notice, and submitting to be examined, &c. shall be adjudged Felons.

their Debts: And whereas many Persons have and daily become Bankrupt, not so much by Reason of Loss and unavoidable Misfortunes, as to the Intent to oblig their Creditors to accept such their unjust Profers and Composition, and to defraud and hinder their Creditors of their just Debts; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons who, since the Six and twentieth Day of May, which was in the Year of our Lord One thousand seven hundred and sixteen, became Bankrupt, or which shall at any Time hereafter, during the Continuance of this Act, become Bankrupt within the several Statutes made and now in Force concerning Bankrupts or any of them, and against whom a Commission of Bankrupt, under the Great Seal of Great Britain hath, since the said Six and twentieth Day of May, which was in the Year of our Lord One thousand seven hundred and sixteen, been awarded and issued out, shall at any Time hereafter be awarded and issued out, whereupon the Person or Persons, against whom such Commission issued, hath or have been, or shall be declared a Bankrupt or Bankrupts, shall not, within Thirty Days, after Notice thereof in Writing shall be left at the usual Place of Abode of such Person or Persons, and Notice given in the *London Gazette*, that such Commission or Commissions, is, are, or have been issued forth, and of the Time and Place of a Meeting of the said Commissioners, surrender him, her, or themselves to the Commissioners named in the said Commission, or some of them, and submit to be examined, from time to time, upon Oath, or, being One of the People called *Quakers*, upon the Solemn Affirmation by Law appointed for such People, by and before such Commissioners, or the major Part of them, by such Commission authorized and in all Things conform to the several Statutes already made concerning Bankrupts; and also upon such his, her, or their Examination, fully and truly disclose and discover how, and in what Manner, and to whom and upon what Consideration, he, she, or they hath or have disposed, assigned, or transferred any of his, her, or their Goods, Wares, Merchandizes, Money, or other Effects, or Estate, and all Books, Papers, and Writings relating thereunto, of which he, she, or they were possessed



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5. G. 1. c. 24.

in or to which he, she, or they were any ways interest-  
 or intitled, or which any Person or Persons had or  
 or have had in Trust for him, her, or them, or for  
 her, or their Use, at any Time before or after the  
 out of the said Commission; and also deliver up  
 to the said Commissioners by the said Commission au-  
 torized, or the major Part of them, all such Part of  
 her, or their, the said Bankrupt's Goods, Wares,  
 merchandizes, Money, Effects, or Estate, and all Books,  
 papers, and Writings, relating thereunto, as at the Time  
 such Examination shall be in his, her, or their Pos-  
 session, Custody, or Power (his, her, or their necessary  
 Wearing Apparel, and the necessary Wearing Apparel of  
 the Wife or Children of such Bankrupt, only excepted)  
 when he, she, or they, the said Bankrupt or Bankrupts,  
 in case of any Default or wilful Omission therein, or of  
 any of the Premises, and (being thereof lawfully con-  
 victed by Indictment or Information) shall be deemed  
 and adjudged to be a Felon, and shall suffer as a Felon  
 without the Benefit of Clergy, or the Benefit of any Sta-  
 tute made in relation to Felons. And it is hereby declared,  
 that the Person or Persons of such Bankrupt shall not be  
 liable to any Arrest for Debt, or Escape Warrant, in  
 going to, staying with, or coming from the said Commis-  
 sioners, in case such Bankrupt shall attend the said Commis-  
 sioners, in Obedience to any Notice or Summons from  
 them; but (on his producing such Summons or Notice,  
 under the Hands of the said Commissioners, to the Of-  
 ficer who shall arrest him, her, or them, and making it  
 appear to such Officer, that such Notice or Summons  
 signed by the said Commissioners, or the major Part  
 of them, and giving such Officer a Copy thereof) shall be  
 immediately discharged; and in case any Officer shall de-  
 tain such Bankrupt or Bankrupts (after he, she, or they  
 shall have shewn such Notice or Summons to him, as a-  
 foresaid) in his Custody, such Officer shall forfeit and  
 pay to such Bankrupt, for his own Use, the Sum of Five  
 pounds for every Day such Officer shall detain such Bank-  
 rupt; to be recovered by Action of Debt in any of His  
 Majesty's Courts of Record at *Westminster*, in the Name or  
 Names of such Bankrupt or Bankrupts, with Costs of Suit.  
 Provided always, and it is hereby declared and en-  
 acted by the Authority aforesaid, That it shall and may be  
 lawful to and for the Lord Chancellor, Lord Keeper or  
 Commissioners for the Custody of the Great Seal of Great

The Person of  
 such Bankrupt  
 shall not be lia-  
 ble to any Ar-  
 rest.

Officer detain-  
 ing such Bank-  
 rupt to forfeit  
 to him 5*l.* per  
*Diem.*

Chancellor  
may enlarge  
the Time for  
Persons sur-  
rendering  
themselves, not  
exceeding 60  
Days.

*5. 4. 1. 1. 24.*  
*Britain* for the time being, to enlarge the Time for such Person or Persons surrendering him, her, or themselves, and disclosing and discovering his, her, or their Estate and Effects, as aforesaid, as the Lord Chancellor, Lord Keeper, or such Commissioners, shall think fit, not exceeding Sixty Days, to be computed from the End of the said Thirty Days; so as such Order for enlarging the Time, be made by the Lord Chancellor, Lord Keeper, or such Commissioners, Five Days at the least before the Time, on which such Person or Persons were or were so to surrender him, her, or themselves, and make such Discovery, as aforesaid.

Bankrupts, or  
other Persons  
by their Or-  
der, &c. re-  
moving, con-  
cealing, &c.  
any Goods,  
&c. to the  
Value of 20*l.*  
shall suffer as  
Felons, with-  
out Benefit of  
Clergy.

3. And be it further enacted by the Authority aforesaid That if any Person or Persons, who, since the said Six and twentieth Day of *May*, which was in the Year of our Lord One thousand seven hundred and sixteen, hath or have, or at any Time hereafter shall become Bankrupt within the several Statutes made and now in Force concerning Bankrupts, or any of them, or any other Person or Persons, by or with his, her, or their Order, Consent, or Privity, who shall, from and after the Five and twentieth Day of *April*, which shall be in the Year of our Lord One thousand seven hundred and nineteen, remove, carry away, conceal, destroy, or imbezil any of the Goods, Wares, Merchandizes, Monies, or Effects, whereof he, she, they, or any Person or Persons in Trust for him, her, or them, was or were possessed or intitled to, at or after the Time of his, her, or their becoming Bankrupt, or during the Time of his, her, or their continuing Bankrupt, unto the Value of Twenty Pounds, or upwards, or any Book of Accounts, Bonds, Bills, Notes, Papers, or Writing relating thereunto, with Intent to defraud his, her, or the Creditors, every such Person and Persons so become, or to become Bankrupt, as aforesaid, and being thereof lawfully convicted, shall be deemed, declared, and adjudged to be, and shall suffer as a Felon without the Benefit of Clergy, or the Benefit of any Statute made in relation to Felons; and in such Case such Felons Goods and Estate shall go to and be divided among the Creditors seeking Relief under such Commission; any Law, Usage, or Custom to the contrary thereof in any wise notwithstanding.

And such Fe-  
lons Goods to  
be divided a-  
mong the Cre-  
ditors.

4. And be it further enacted by the Authority aforesaid That upon Certificate made under the Hands and Seals of the Commissioners, by such Commission authorized, or to be authorized, that such Commission is issued forth, and

such

5. G. 1. 1. 24.

Person, or Persons proved before them to become Bankrupt or Bankrupts, it shall and may be lawful to and for all or any of the Judges of His Majesty's Courts of King's Bench, Common Pleas, or Court of Exchequer, to and for all and every the Justices of the Peace within that Part of the Kingdom of *Great Britain* called *England*, the Dominion of *Wales*, and Town of *Berwick upon Tweed* (and they are hereby impowered and required, upon Application to them for that Purpose made) to grant his or their Warrant or Warrants under his or their Hands and Seals, as well for the taking and apprehending such Person or Persons, and him, her, or them to commit to the Common Gaol of the County, where he, she, or they shall be so apprehended and taken, there to remain, until he, she, or they be removed by Order of the said Commissioners, or the major part of them, by Warrant under their Hands and Seals; and the Gaoler or Keeper, to whose Custody such Person or Persons shall be committed, is hereby required to take and receive such Person into his Custody, and forthwith give Notice to some or One of the said Commissioners of the said Commission named, of such Person or Persons being in his or their Custody; to the intent the said Commissioners may send their Warrant to such Gaoler or Keeper (which they are hereby impowered and required forthwith to send) for the delivering such Bankrupt or Bankrupts to the Person or Persons named in such Warrant, who shall be thereby authorized to convey and bring such Person or Persons to the said Commissioners, in order to such Examination and Discovery, as aforesaid; and the said Commissioners are hereby likewise authorized and impowered, by such their Warrant, or any other Warrant, to take and seize any the Goods, Wares, Merchandizes, and Effects of such Bankrupt or Bankrupts (the necessary Wearing Apparel of such Bankrupt, or of his Wife, or Children, only excepted) and any of his, her, or their Books, Papers, or Writings, which shall be then in the Custody or Possession of such Bankrupt or Bankrupts, or of any other Person, or in any Prison or Prisons whatsoever; any Custom or Usage to the contrary in any wise notwithstanding.

Persons so taken, and submitting to be examined, shall have the Benefit of this Act.

Provided always, and be it enacted by the Authority aforesaid, That if any such Person or Persons, so apprehended and taken, shall, within the Time or Times allowed by this Act for that Purpose, submit to be examined,

Upon Certificate of the Commissioners of any Person's being proved a Bankrupt, the Judges and Justices of Peace shall grant their Warrant for apprehending him, and commit him to the Common Gaol.

Gaoler to give Notice to the Commissioners, who may send their Warrant for the bringing such Person to them.

Commissioners may grant Warrants to seize the Goods, &c. of Bankrupts.

<sup>5. 6. 1. 1. 2. 4.</sup>  
ed, and in all Things conform, as if he, she, or they had surrendered; as by this Act such Bankrupt or Bankrupts is or are required, that then such Persons, so submitted and conforming, shall have and receive the Benefit of this Act to all Intents and Purposes, as if he, she, or they had voluntarily come in and surrendered himself, herself, or themselves; any thing herein contained to the contrary thereof in any wise notwithstanding.

Commissioners may send for Persons, and examine them.

6. And be it further enacted by the Authority aforesaid That it shall and may be lawful for the Commissioners named in, and authorized by, any Commission of Bankruptcy, which already is, or hereafter shall be issued against any Person or Persons, to send for and call before them by such Warrant, Summons, Ways, or Means, as they in their Discretions shall think fit, all and every such Person and Persons as they shall be informed and believe do give any Account or Information of any Act or Acts of Bankruptcy committed by such Person or Persons, against whom any Commission now is, or hereafter shall be awarded and issued out; and upon their Appearance to examine them, and every of them, as well upon their Oaths, or otherwise, touching any Act or Acts of Bankruptcy committed by such Person against whom such Commission has been issued, or shall issue forth, in such Manner and Form as such Commissioners are by Law authorized to examine touching or concerning such Bankrupt's Estate; and any such Person or Persons (on Payment, or Tender of Payment, of such reasonable Charges, as the said Commissioners shall judge sufficient) shall neglect or refuse to come and appear, not having a lawful Excuse, to be made known to the said Commissioners, and by them allowed, or, being come before them, shall refuse to be sworn, or being of the People called *Quakers*, to take the solemn Affirmation, by Law appointed for such People, or, being sworn, or having taken such solemn Affirmation, shall refuse to answer all such Questions, as by the said Commissioners shall be put to him, her, or them, relating to any Act or Acts of Bankruptcy committed by such Person or Persons, against whom such Commission is or shall be awarded, according to the true Intent and Meaning of the Act, and of the other Acts now in Force concerning Bankrupts; that then it shall and may be lawful to and for the said Commissioners, or the major Part of them, by Warrant under their Hands and Seals, to apprehend any such Person or Persons so offending, as aforesaid.

Persons neglecting to appear, or refusing to be examined, the Commissioners may commit them to Gaol till they submit.

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him, her, or them, to commit to such Prison, as to the said Commissioners shall be thought meet, there remain without Bail or Mainprize, until such Time as Person or Persons shall submit him, her, or themselves to the said Commissioners, and answer upon Oath or solemn Affirmation to all such Questions, as by the said Commissioners shall be put to him, her, or them, as aforesaid, according to the true Intent and Meaning of this Act. Provided nevertheless, That no Person shall be obliged to travel above Twenty Miles to be examined, as is hereinbefore said.

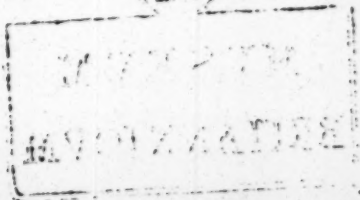
None obliged to travel above 20 Miles.

And it is hereby declared and enacted, That the Gaoler and Keeper of such Prison shall, and he is hereby required to keep such Person or Persons, who shall be so committed, as aforesaid, and all and every Bankrupt or Bankrupts, Person or Persons, who already are, or hereafter shall be committed to their Custody by Virtue of this Act, or Statute or Statutes heretofore made and now in Force, concerning Bankrupts, by such Commissioners, Justices of the Peace, as aforesaid, in close and close Custody within the Walls of the said Prison, until such Bankrupt or Bankrupts, Person or Persons, shall submit him, her, or themselves to be examined by the said Commissioners, as aforesaid, and shall conform him, her, or themselves to this Act, and all the other Acts already made and now in Force concerning Bankrupts, or be by the Lord Chancellor, Lord Keeper, or Commissioners for the Custody of the Great Seal of Great Britain, for the same being, or by the said Commissioners, or otherwise, in the Course of Law discharged; and in case such Person be removed by Habeas Corpus, the Gaoler or Keeper of such Prison whereto he shall be committed, shall confine such Prisoner within the Walls of the Prison, till discharged as aforesaid; and in case any Gaoler or Keeper of any Prison, to whom any such Bankrupt or Bankrupts, Person or Persons, shall be committed, as aforesaid, shall wilfully suffer such Bankrupt or Bankrupts, Person or Persons, to escape from such Prison, or to go without the Walls or Doors of the said Prison, until he, she, or they shall be duly discharged, as aforesaid, shall, for such his or her default, be forfeit Five hundred Pounds for the Use of the Creditors of such Bankrupt.

Gaolers to keep Persons so committed, in close Custody, till they conform, or be discharged by Lord Chancellor, &c.

Gaoler suffering such Person to escape, or to go without the Walls, shall forfeit 500*l.* for the Use of the Creditors.

And be it further enacted, That the Gaoler or Keeper of such Prison, as aforesaid, shall, upon the Request of any Person



Gaoler, when requested by a Creditor, shall forthwith produce such Person so committed;

and in case of Refusal shall forfeit 100*l.* to be divided among the Bankrupt's Creditors;

and for every other like Offence 200*l.* to be divided as above.

Persons having accepted Trust of Bankrupts Estate, and not discovering the same, shall forfeit 100*l.* and double the Value of the Estate, for the Use of the Creditors.

Person or Persons, being a Creditor or Creditors of Bankrupt (and having proved his, her, or their Debt under the Commission, and producing a Certificate the under the Hands of the said Commissioners, which Commissioners are hereby required to give gratis) forthwith produce and shew such Person or Persons so committed afore said, to any such Creditor or Creditors requesting same; and in case such Gaoler or Keeper of such Prison shall refuse to shew, or shall not forthwith produce Person or Persons so committed, as afore said, and be in his actual Custody at the Time of such Request, to Creditor or Creditors of such Bankrupt, requesting to see such Person or Persons, committed, as afore said, the Gaoler and Keeper of such Prison shall forfeit, for his wilful Refusal or Neglect, the Sum of One hundred Pounds for the Use of the Bankrupt's Creditors, to be recovered by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, in the Name or Name of the Creditor or Creditors requesting such Sight of Prisoner; which Forfeiture shall be divided among the Bankrupt's Creditors; and for every other like Offence shall forfeit the Sum of Two hundred Pounds for the Use of the Bankrupt's Creditors, to be recovered and divided as afore said.

9. And for the better Discovery of a Bankrupt's Estate in case he, she, or they shall refuse or neglect to surrender him, her, or themselves, and conform to this and the Acts made concerning Bankrupts, as afore said: Be it enacted by the Authority afore said, That all and every Person and Persons, who shall have accepted of any Trust or Trusts, and shall conceal or protect any Estate, Real or Personal, of any Person or Persons becoming Bankrupt as afore said, from his, her, or their Creditors, and not within Thirty Days next after such Commission shall issue forth, and Notice thereof shall be given to such Person or Persons, discover and disclose such Trust and Estate in Writing, to some One or more of the Commissioners, and submit him, her, or themselves to be examined by the said Commissioners, in and by the said Commission authorized, and truly discover the same, shall forfeit the Sum of One hundred Pounds, and double the Value of the Estate, either Real or Personal, so concealed, to the Use and Benefit of the said Creditors, to be recovered by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, in the Name of the Assignee

Assignee

# or concerning Bankrupts.

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nees of the said Commissioners; in which Case shall be allowed to either Party, as in other Cases.

And be it further enacted by the Authority afore-

That all and every Person and Persons, who shall,

in Sixty Days next after the Time allowed to such

Bankrupt to surrender himself, and to conform, as afore-

voluntarily come in and make Discovery of any Part

such Bankrupt's Estate before such Commissioners,

authorized as aforesaid, shall be allowed Three Pounds

Centum out of the neat Proceed of such Bankrupt's

estate, which shall be recovered on such Discovery; which

shall be paid to the Person or Persons so discovering; the

by the Assignee or Assignees of such Bankrupt's

estate.

And be it further enacted by the Authority afore-

where it shall appear to the said Commissioners, au-

thorized as aforesaid, that there hath been mutual Credit

given by the Bankrupt, and any other Person, at any

time before the Person against whom such Commission

shall be awarded became Bankrupt, the said Com-

missioners shall state the Account between them; and

that shall appear to be due on the Balance of such Ac-

count, and no more, shall be claimed or paid on either

respectively.

Provided always, and be it enacted by the Autho-

aforesaid, That the said Commissioners, authorized

aforesaid, shall appoint within the said Thirty Days

appointed as aforesaid, for the Bankrupt to surrender

himself, and conform as aforesaid) not less than Three

several Meetings for the Purposes aforesaid, the last of

which shall be on the Thirtieth Day hereby limited for

the Bankrupt's Appearance.

And whereas Commissions of Bankrupts have

often executed with great Expence, to the great Pre-

judice of the Bankrupt and his Creditors; be it further en-

acted by the Authority aforesaid, That there shall not be

paid or allowed by the Creditors, or out of the Estate of

the Bankrupt, any Monies whatsoever for Expences in

the eating or drinking of the Commissioners, or of any other

Persons, at the Times of the Meetings of the said Com-

missioners, or of any of the Creditors, or others, in Order

to execute or prepare Matters for the Execution of such

Commission; and if any Person or Persons named, or to

be made a Commissioner or Commissioners in any Com-

mission, shall order any such Expence to be made, or eat

or

Discoverers of Bankrupts E- states to be al- lowed 3l. per Cent.

Commission- ers to state the Account, where mutual Credit has been given by the Bankrupt and others.

Commission- ers to meet Three Times within the 30 Days appointed for the Bankrupt's Surrender.

No Money to be allowed for eating and drinking of the Commis- sioners, &c.

*See Act 135. the 5. G. 2. c. 36. s. 42. by which the fees of comm- are now regula-*

Commissioners ordering such Expence, or taking above 20*s.* for each Meeting, or executing any Deed; or above 10*s.* for any Warrant, disabled to act as Commissioners.

Bankrupts conforming to this Act, to have 5*l.* per Cent. out of the Estate recovered.

But not to amount to above 200*l.*

And to be discharged from all Debts, and if sued, may plead the General Issue, &c.

If the Estate amount not to 8*s.* in the Pound, Bankrupt to be allowed only what Commissioners and Af-

or drink at any such Meeting, at the Charge of the ditors, or out of the Estate of such Bankrupt, or re or take above the Sum of Twenty Shillings, each Commissioner for each respective Meeting, or Twenty Shillings each Commissioner for executing any Deed of assignment, Dividend, or other Deed, or above the Sum of Ten Shillings for each Commissioner for executing

Warrant of Contribution or Seizure, every such Commissioner, so offending, shall be disabled for ever after to act as a Commissioner in such or any other Commission founded on the Statutes made concerning Bankrupts.

14. And be it further enacted by the Authority aforesaid, That all and every Person and Persons, so becoming Bankrupts, as aforesaid, who shall, within the Time limited by this Act, surrender him, her, or themselves to the Commissioners named and authorized by any Commission of Bankrupts, awarded or to be awarded against him, her, or them, and in all Things conform as in and by this Act is directed, shall be allowed the Sum of Five Pounds *per Centum* out of the neat Proceeds of all the Estate that shall be recovered in and receive by such Discovery; which shall be paid unto him by the Assignee or Assignees of the said Commissioners, so as the said Five Pounds *per Centum* shall not amount in the whole to above the Sum of Two hundred Pounds; and he shall be discharged from all Debts by him, her, or them due at the Time that he, she, or they did become Bankrupt; and in case any such Bankrupt shall afterwards be arrested, prosecuted, or impleaded for any Debt due before such Time as he, she, or they became Bankrupt, such Bankrupt shall be discharged upon Common Plea, and shall and may plead in General, that the Cause of such Action or Suit did accrue before such Time as he, she, or they became Bankrupt; and may give this Plea and the special Matter in Evidence; and if a Verdict be given for the Defendant, or the Plaintiff shall become non-suited, or Judgement be given against the Plaintiff, the Defendant shall recover his Costs, as in other Cases.

15. Provided always, and it is hereby declared and enacted by the Authority aforesaid, That if the neat Proceeds of such Bankrupt's Estate, so to be discovered, recovered, and received, together with what shall be otherwise recovered and received, shall not amount to so much as will pay all and every the Creditors of such Bankrupt the Sum of Eight Shillings in the Pound, after all Charges

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5. 9. 1. c. 24.

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had and deducted, that then and in such Case such signees shall think fit.  
 Bankrupt shall not be allowed the said Sum of Five Pounds *per Centum* out of such Estate as shall be so recovered in, shall be allowed and paid by the Assignees so much money as the said Assignees, and the Commissioners authorized as aforesaid, shall think fit to allow to such Bankrupt, not exceeding Three Pounds *per Centum*.  
 6. Provided also, and be it further enacted by the Authority aforesaid, That no Discovery upon Oath to be made by any Bankrupt or Bankrupts, of his, her, or their Estate and Effects, pursuant to this Act, shall intitle such Bankrupt or Bankrupts to the Benefits allowed by this Act, unless the Commissioners authorized by such Commission shall, in Writing under their Hands and Seals, certify to the Lord Chancellor, or Lord Keeper, or Commissioners for the Custody of the Great Seal of Great Britain, for the time being, That such Bankrupt or Bankrupts hath or have made a full Discovery of his, her, or their Estate and Effects, and in all Things conform himself, herself, or themselves, according to the Directions of this Act; and that there doth not appear to them any Reason to doubt of the Truth of such Discovery, or that the same is not a full Discovery of all such Bankrupt's Estate and Effects; and unless Four Parts in Five of the Creditors sign the Certificate, and testify their Consent.  
 Nor unless Four Parts in Five of the Creditors sign the Certificate, and testify their Consent.  
 Bankrupt's Creditors, who shall have duly proved their Debts under such Commission, or some other Person authorized by them respectively duly authorized thereunto, shall sign such Certificate, and testify their Consent to such Allowance and Certificate, and to the said Bankrupt's Discharge, in pursuance of this Act, to be also certified by the said Commissioners; but the said Commissioners shall not certify the same, till they shall have Proof by Affidavit or Affirmation in Writing of such Creditors, or of the Persons by them respectively authorized for that Purpose, signing the said Certificate, and of the Power and Authority by which any Person shall be authorized by any Creditor to sign such Certificate for any Creditor; which Affidavit or Affirmation, together with such Warrant or Authority to sign, shall be laid before the Lord High Chancellor, Lord Keeper, or Commissioners of the Great Seal, with the said Certificate, in order for the allowing and confirming of the same; and unless such Bankrupt make Oath, That such Certificate and Consent of the Creditors thereunto, were obtained fairly,

Nor unless the Bankrupt make Oath that such Certificate and Consent were obtained without Fraud, and the Certificate be confirmed by the Lord Chancellor, &c.

Creditors may be heard against the making and Confirmation thereof.

Securities given to Creditors for their Debts, as a Consideration to sign such Certificate, &c. shall be void,

and the Money shall not be recovered. The Party sued may plead the General Issue, &c.

Bankrupt to attend the Assignees, in order to settle Accounts, &c.

fairly, and without Fraud; and unless such Certificate shall, after such Oath of the Bankrupt, be allowed and confirmed by the Lord Chancellor, Lord Keeper, or Commissioners for the Custody of the Great Seal of Great Britain, for the time being, or by such Two or Three of the Judges of the Courts of King's Bench, Common Pleas, or Court of Exchequer at Westminster, to whom the Consideration of such Certificate shall be referred, the Lord Chancellor, Lord Keeper, or Commissioners of the Great Seal, for the time being; and any of the Creditors of such Bankrupts are to be allowed to be heard if they shall think fit, before the respective Persons aforesaid, against the making such Certificate, and against the Confirmation thereof.

17. And be it enacted by the Authority aforesaid, That every Bond, Bill, Note, Contract, Agreement, or other Security whatsoever, to be made or given by any Bankrupt, or by any Person for him, or on his Behalf, unto, or to the Use of, or in Trust for any Creditor or Creditors, or for the Security of the Payment of any Debt or Sum of Money due from such Bankrupt, at the Time of his becoming Bankrupt, or any Part thereof, between the Time of his becoming Bankrupt, and such Bankrupt's Discharge, as a Consideration, or to the Intent to persuade him, her, or them, to consent to or sign any such Allowance or Certificate, shall be wholly void, and of no Effect; and the Monies thereby secured, or agreed to be paid, shall not be recovered or recoverable; and the Party sued on such Bond, Bill, Note, Contract, or Agreement shall and may plead the General Issue, and give the Act, and the special Matter in Evidence; any thing herein contained, or any Law, Custom, or Usage to the contrary notwithstanding.

18. Provided always, and be it enacted by the Authority aforesaid, That after such Bankrupt or Bankrupts shall have obtained, his, her, or their Certificate, and the same shall be so duly confirmed, as herein is mentioned, every such Bankrupt or Bankrupts shall, on Fourteen Days Notice in Writing, to be given to him, her, or them, to be left at his, her, or their usual Place of Abode, the Assignee or Assignees, or their Order, thereby requiring him, her, or them, to attend the Assignee or Assignees of such Bankrupt's Estate, in order to make up, adjust, or settle any Account or Accounts between such Bankrupt or Bankrupts, and any Debtor to, or Creditor of such Bankrupt.

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Bankrupt's Estate, or to attend any Court or Courts of Record, in order to be examined touching the same, or for any other Business which such Assignee or Assignees shall think necessary for getting in the said Bankrupt's Estate and Effects, for the Benefit of his, her, or their Creditors; for which said Attendance the said Bankrupt shall be allowed and paid the Sum of Two Shilings and Six Pence per Diem, by such Assignee or Assignees, out of the Bankrupt's Effects; and in case such Bankrupt or Bankrupts neglect or refuse to attend, or on such Attendance refuse to assist in such Discovery (without good and sufficient Cause to be shewn to the Commissioners for such Bankrupt, her, or their Neglect or Refusal, to be by them allowed as sufficient) such Assignee or Assignees making Proof thereof upon Oath before the said Commissioners, authorized as aforesaid, the said Commissioners, hereby impowered and required to issue a warrant or Warrants, directed to such Person or Persons as they shall think proper, for apprehending such Bankrupt or Bankrupts, and him, her, or them, to commit to the County Gaol, there to remain in close Custody without Bail or Mainprize, until he, she, or they shall submit to be examined, and duly conform to the Satisfaction of the said Commissioners; authorized, as aforesaid, and be by the said Commissioners, or by the special Order of the Chancellor, Lord Keeper, or Commissioners for the County of the Great Seal of Great Britain, for the time being, or otherwise by due Course of Law, discharged; and such Gaoler or Keeper of such Prison, to which such Bankrupt or Bankrupts shall be committed, is hereby required to keep such Person or Persons in close Custody within the Walls of the said Prison, until he, she, or they shall be lawfully discharged, as aforesaid, under the Pains and Penalties before mentioned for such Gaoler or Keeper receiving such Prisoners, committed pursuant to this Act, to escape and go at large.

Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act shall be construed to extend to give or grant any Privilege, Benefit, or Advantage to any Bankrupt whatsoever, against whom a Commission of Bankrupt, under the Great Seal of Great Britain since the said Twenty fifth Day of May, which was in the Year of our Lord One thousand seven hundred and sixteen, hath issued, or hereafter shall issue forth, who shall, for or upon Marriage of any of his or her

And to be allowed 2s. 6d. a Day for such Attendance. Bankrupt refusing to attend, &c. to be committed without Bail, &c.

Gaoler to keep such Bankrupt within the Walls, on the Penalty before mentioned, Sect 7.

This Act shall not extend to grant any Privilege, &c. to any Bankrupt, who upon Marriage of any Child has given above 100 l.

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Children,

unless he make  
it appear, he  
had at that  
Time sufficient  
to pay his just  
Debts :

Or who has  
lost at play in  
One Day a-  
bove 5*l.* or  
100*l.* in 12  
Months, next  
before his be-  
coming Bank-  
rupt.

After April 25.  
1719. no Com-  
mission shall is-  
sue unless the  
Debt of One  
Creditor peti-  
tioning, a-  
mount to 100*l.*  
or of Two Cre-  
ditors to 150*l.*  
or of Three or  
more, to 200*l.*

*Stat. 121.*

Creditor peti-  
tioning to give  
Bond to the  
Lord Chancel-  
lor, &c. to  
prove his Debt,  
and the Party  
a Bankrupt.

Children, have given, advanced, or paid, above the  
of One hundred Pounds, unless he or she shall prove  
his or her Books fairly kept, or otherwise upon his or  
Oath, before the major Part of the Commissioners in  
Commission named and authorized, that he or she has  
the Time thereof, over and above the Value so given,  
vanced, or paid, remaining in Goods, Wares, De-  
ready Money, or other Estate Real or Personal, suffi-  
to pay, and satisfy unto each and every Person, to whom  
or she was any wise indebted, their full and intire De-  
or who hath, or shall have lost, in One Day, the S-  
or Value of Five Pounds, or in the whole the Sum  
Value of One hundred Pounds within the Space  
Twelve Months next preceding his, her, or their be-  
ing Bankrupt, in playing at or with Cards, Dice, Tal-  
Tennis, Bowls, Shovel Board, or in or by Cock Fi-  
ings, Horse Races, Dog Matches, or Foot Races, or  
Pastimes, Game or Games whatsoever, or in or by be-  
ing a Share or Part in the Stakes, Wagers, or Adventu-  
or in or by betting on the Sides or Hands of such a  
or shall play, act, ride, or run, as aforesaid.

20. And for preventing the taking out Commission  
Bankrupts fraudulently or maliciously, be it enacted by  
Authority aforesaid, That no Commissions of Ban-  
rupts under the Great Seal of *Great Britain*, shall,  
the Twenty fifth Day of *April*, which shall be in the  
of our Lord One thousand seven hundred and ninety  
be awarded and issued out against any Person whatso-  
upon the Petition of One or more Creditors, unless  
single Debt of the Creditor petitioning for the same  
amount to the Sum of One hundred Pounds or upwa-  
or unless the Debt of Two Creditors, so petitioning as a-  
said, shall amount unto One hundred and Fifty Poun-  
or upwards, or unless the Debt of Three or more Cre-  
tors, so petitioning as aforesaid, shall amount to  
hundred Pounds, or upwards : And the Creditor and  
ditors petitioning for such Commission, shall, before  
same be granted, give Bond to the Lord Chancellor,  
Keeper, or Commissioners of the Great Seal for the  
being, in the Penalty of Two hundred Pounds, to be  
ditioned for proving his, her, or their Debts, as well be-  
the Commissioners to be named in such Commission  
upon a Trial at Law, in case the due issuing forth of  
same shall be contested and tried, and also for proving  
Party a Bankrupt at the Time of taking out such Com-  
mission.



# or concerning Bankrupts.

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Commission, and further to proceed on such Commission, as herein after is mentioned: And if such Debt or Debts shall not be really due and owing, or if after such Commission taken out, it cannot be proved that the Party was Bankrupt at the Time of the issuing the said Commission, but on the contrary it shall appear, that such Commission was taken out fraudulently or maliciously, That when the Lord Chancellor, Lord Keeper, or Commissioners of the Great Seal for the time being, shall and may upon Petition of the Party or Parties grieved, examine into the same, and order Satisfaction to be made to him, her, or them, for the Damages by him, her, or them, sustained; and for the better Recovery thereof, may, in case there be occasion, assign such Bond to the Party or Parties so petitioning, who may sue the same in his, her, and their own Name and Names; any Law, Custom or Usage, to the contrary notwithstanding.

Commission fraudulently or maliciously taken out, Lord Chancellor may order Satisfaction, and assign the Bond to the Party grieved, who may sue the same in his own Name.

11. And be it further enacted by the Authority aforesaid, That where any Commission of Bankrupt shall issue from and after the said Twenty fifth Day of April, which shall be in the Year of our Lord One thousand seven hundred and nineteen, the Commissioners therein named, or the major Part of them thereby authorized, shall forthwith, after they have declared the Person or Persons against whom such Commission shall issue, a Bankrupt or Bankrupts, cause Notice thereof to be given in the London Gazette, and shall appoint a Time and Place for the Creditors to meet; which Meeting, for the City of London, and all Places within the Bills of Mortality, shall be at the Guildhall of the said City, in order to choose an Assignee or Assignees of the said Bankrupt's Estate and Effects: at which Meetings the said Commissioners shall admit the Proof of any Creditors Debt, that shall live remote from the Place of such Meeting of the Commissioners, by Affidavit, and also permit any Person duly authorized by Letter of Attorney from such Creditor (Oath being made of the due Execution thereof, either by an Affidavit from before a Master in Chancery extraordinary, or before the Commissioners, *viva voce*) to vote in the Choice of an Assignee or Assignees of such Bankrupt's Estate and Effects, in the Place and Stead of such Creditor; and the Commissioners, or the major Part of them authorized, shall assign every such Bankrupt's Estate and Effects unto such Person or Persons, as such Creditors, or the major Part of them, shall so choose, as aforesaid; and the Assignee

Commissioners to give Notice in the Gazette, and appoint a Time for the Creditors to meet, to prove their Debts, choose Assignees, &c.

Commissioners to assign the Bankrupts Estate;

and the Assignees to keep Books of Account, &c. to which any Creditor may resort.

None to vote for an Assignee whose Debt amounts not to 10*l.* &c.

*See 5 G. 1. c. 24.*  
Commissioners may appoint Assignees, who may be displaced at the Meeting of the Creditors;

and such Assignees shall deliver up the Estate of the Bankrupt, which is come to their Hands, to the other Assignees, in whom it shall be legally vested.

signee or Assignees, so chosen, shall be obliged to keep One or more distinct Book or Books of Account, where in he or they shall duly enter all such Sum and Sums of Money, or other Effects, which he or they shall have got in; or received out of the said Bankrupt's Estate; which Book or Books of Account every Creditor, who shall have proved his, her, or their Debt, shall, at reasonable Times, have free Resort, and inspect the same, as often as he, she, or they shall think fit.

22. Provided always, and be it enacted by the Authority aforesaid, That no Creditor, or any other Person, and on the Behalf of any Creditor, shall be permitted to vote in such Choice of Assignee or Assignees, whose Debt or the Debt of the Person so authorizing him to vote, shall not amount to the Sum of Ten Pounds, or upwards, and who shall, either before the Commissioners, or by Affidavit, as aforesaid, duly prove their whole Debt, as far as he, she, or they, are able, and pay Contribution of Money for the same.

23. Provided always, That it shall and may be lawful for the said Commissioners, authorized as aforesaid, as often as they shall see cause, for the better preserving and securing the Bankrupt's Estate, immediately to appoint One or more Assignee or Assignees of the said Estate and Effects, or any Part thereof; which Assignee or Assignees, or any of them, shall or may be removed or displaced at the Meeting of the Creditors so to be appointed as aforesaid, for choice of Assignees, if they or the major Part of them (whose Debts respectively amount to Ten Pounds or upwards as aforesaid) then present, and of such Persons duly authorized, as aforesaid, shall think fit; and such Assignee or Assignees, as shall be so removed and displaced, shall deliver up and assign all the Effects and Estate of such Bankrupt, which shall have come to his or their Hands or Possession, or which shall have been assigned by the said Commissioners, as aforesaid, unto such other Assignee or Assignees, who shall be so chosen by the Creditors, as aforesaid; and all the Estate and Effects of the Bankrupt, which shall be delivered up or assigned shall be, to all Intents and Purposes, as effectually and legally vested in such new Assignee or Assignees, as if the First Assignment had been made to him or them by the said Commissioners; and if such First Assignee or Assignees shall refuse or neglect, by the Space of Fourteen Days next after Notice given of the said Choice of such new Assignee

5. G. 1. c. 24.

Assignees, and of his or their Consent to accept such Assignment, signified to the First Assignee or Assignees, Writing under his or their Hands, to make such Assignment and Delivery, as aforesaid, every such First Assignee or Assignees shall respectively forfeit the Sum of two hundred Pounds, to be divided and distributed among the Creditors, in such Manner as the Bankrupt's Estate is or ought to be, and to be recovered by Action of Debt, Bill, Complaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, by such Person or Persons, as such major Part of the Commissioners, authorized as aforesaid, shall appoint to sue for the same, with full Costs of Suit, wherein no Privilege, Protection, or Wager of Law, or more than One Imparlanee shall be allowed; any Law, Custom, or Usage to the contrary notwithstanding.

And whereas after an Assignment made pursuant to the Choice of the Creditors, it has and may be found necessary and expedient, that such Assignments should be vacated, and a new Assignment or Assignments should be made (of the Debts or Effects unreceived and not disposed of by the First Assignees) to other Persons to be chosen by the Creditors, as aforesaid, and the former Assignment to be vacated and made void; be it therefore enacted and declared by the Authority aforesaid, That it shall and may be lawful to and for the Lord Chancellor, Lord Keeper, or Commissioners for the Custody of the Great Seal of Great Britain, for the time being, upon Petition of any Creditors, to make such Order therein as he or they shall think fit and reasonable; and in case a New Assignment shall be ordered to be made to such Creditors, as aforesaid, that such Debts, Effects, and Estate of such Bankrupts shall be thereby effectually and legally vested in such New Assignee or Assignees; and it shall and may be lawful for him or them to sue for the same in his or their own Name or Names, and to discharge any Action or Suit, and to give any Acquittance for such Debts, as effectually, to all intents and Purposes, as the Assignee or Assignees in the former Assignment might have done, in case no New Assignment had been made; any thing herein, or in any former Acts, contained or made to the contrary in any Manner notwithstanding; and that the said Commissioners shall cause publick Notice to be given in the Two *London Gazettes* that shall immediately follow the Removal of the Assignee or Assignees, and the Appointment of such

Assignee neglecting to make such Delivery, shall forfeit 200 l. to be divided among the Creditors.

How to be recovered.

Lord Chancellor, &c. may vacate such Assignment; and make a new One.

The Estate of the Bankrupt shall be vested in such New Assignees.

Commissioners to give Notice in the *Gazette*, of the Removal of the First Assignees,

and of the appointing New Ones, &c.

Assignees may compound with Debtors of the Bankrupt.

Bankrupt paying or giving to Persons who sued out the Commission, Money or Goods, &c. whereby such Persons shall have more in the Pound than the other Creditors, such Commission shall be superseded; and the Lord Chancellor, &c. may award a new One to any Creditor petitioning.

other Assignee or Assignees, as aforesaid that such Assignee or Assignees is or are removed, and such other Assignee or Assignees appointed in his or their Stead and that such Persons as are indebted to the said Bankrupt's Estate do not pay such Debt or Debts to such Assignee or Assignees as shall be removed, as aforesaid.

25. And be it also further enacted by the Authority aforesaid, That any Assignee or Assignees, made or chose as aforesaid, shall be, and are hereby impowered to make Composition with any Person or Persons, Debtors or Accountants to such Bankrupt, where the same shall appear necessary and reasonable; and to take such reasonable Part as can upon such Composition be gotten, in full Discharge of such Debts and Accompts; any Law, Custom, or Usage, to the contrary notwithstanding.

26. And whereas Commissions of Bankrupts are frequently taken out by Persons, who, by Means of such Commissions (on a Composition proposed by the Bankrupt) and on promise not to execute the same, prevail with and extort from the Bankrupts their whole Debts, much greater Part thereof than such Bankrupts pay their other Creditors, or otherwise get from such Bankrupt's Goods or other Satisfaction, which is contrary to the true Intent and Meaning of the several Statutes made concerning Bankrupts, which said Statutes intend that all such Bankrupts Creditors shall be on an equal Footing and not One preferred before, or paid more than another in respect of his or her Debt; be it therefore enacted by the Authority aforesaid, That if any Bankrupt or Bankrupts, shall, after the issuing of any Commission against him, her, or them, pay to the Person or Persons who sued out the same, or otherwise give or deliver to such Person or Persons Goods, or any other Satisfaction, for his, her, or their said Debt, whereby such Person or Persons, suing out such Commission, shall privately have and receive more in the Pound in respect of his, her, or their Debt, than the other Creditors, such Payment of Money, delivery of Goods, or giving greater or other Satisfaction, shall be deemed and taken to be such an Act of Bankruptcy; whereby on good Proof thereof, such Commission shall and may be superseded; and it shall be lawful for the Lord Chancellor, Lord Keeper, or Commissioners for the Custody of the Great Seal of Great Britain, for the time being, to award to any Creditor or Creditors petitioning another Commission; and such Person or Persons so taking or receiving such Goods, or other Satisfaction



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isfaction, as aforesaid, shall forfeit and lose the whole Penalty of tak-  
he, she, or they shall have taken or received, and ing such  
will pay back and deliver up the same, or the full Value Goods, &c.  
ereof, to such Person or Persons as the said Commis-  
sioners, acting under such New Commission, shall ap-  
point, in trust for, and to be divided among the other of  
Bankrupt's Creditors, in Proportion to their respec-  
tive Debts.

And whereas Persons dealing as Bankers, Brokers, Bankers, &c.  
Factors, are frequently intrusted with great Sums of liable to the  
money, and with Goods and Effects of very great Acts concern-  
value belonging to other Persons; it is hereby further ing Bankrupts.  
acted, that such Bankers, Brokers, and Factors,  
shall be, and are hereby declared to be subject and lia-  
ble to this and other the Statutes made concerning  
Bankrupts.

Provided always, and it is hereby further declared No Farmer,  
enacted by the Authority aforesaid, That no Farmer, &c. or Receiv-  
Grazier, or Drover of Cattle, or any other Person or Per- er General of  
son who is or are, or shall be a Receiver General of Taxes, shall be  
of the Benefits given by this Act, or be deemed a intitled to the  
Bankrupt within the same, or within any of the Statutes Benefits of  
in Force concerning Bankrupts; any Law, Custom, this Act.  
Usage, to the contrary notwithstanding.

And be it further enacted by the Authority afore- To be taken  
That this Act shall be deemed and taken as a Pub- as a Publick  
lick Act, of which all Judges are to take Notice: And if Act.  
any Action shall be brought against any Person for what  
shall do in pursuance of this Act, such Person shall  
may plead the General Issue, and give this Act, and Persons sued  
special Matter in Evidence; and this Act shall con- may plead the  
tinue and be in Force for the Space of Seven Years, and General Issue,  
thence to the End of the next Session of Parliament, &c.  
no longer. Continuance  
of this Act.

And whereas Commissions of Bankrupts, and the  
depositions taken before the Commissioners of Bankrupts,  
and the Proceedings upon such Commissions, are most  
commonly kept by such Persons, as act as Clerks or Se-  
cretaries to such Commissioners, and, by Reason of the  
death of such Clerks or Secretaries, are many Times lost  
and mislaid; by Means whereof such Persons as have or  
may purchase any Messuages, Lands, Tenements, or He-  
ritaments, under any Commission grounded upon the  
Statutes made concerning Bankrupts, may be disabled v

## Statutes at Large made against

5. G. 1. c. 24.

make out their Right and Title to the same; and the being no certain Place where the Creditors of any Bankrupt, or any Person or Persons claiming any Estate or Interest in any Messuages, Lands, Tenements, or Hereditaments, by or under any such Commission, as aforesaid, can have Recourse to such Commission, and the Proceedings thereupon; and such Commissions, Depositions and Proceedings, in case they can be produced, are not present of Record, nor can be given in Evidence, which may be of very evil Consequence to such Purchasers,

On Petition to Lord Chancellor, &c. the Commissions, Depositions, Certificates, &c. may be entred of Record,

Persons claiming as aforesaid; be it therefore further enacted by the Authority aforesaid; That upon the Petition of any Person or Persons to the Lord Chancellor, Lord Keeper, or Commissioners for the Custody of the Great Seal of Great Britain, praying, that such Commission and the Depositions taken thereon, or any Part of such Depositions, and such Certificates so to be allowed and confirmed, as aforesaid, or any Certificates heretofore allowed and confirmed, or any other Matter or Things relating to the said Commissions, or the Proceedings thereupon, may be entred of Record, the Lord High Chancellor, Lord Keeper, or Commissioners of the Great Seal shall and may direct and order such Commissions, Depositions, Proceedings, and Certificates, or other Matters or Things, to be entred of Record; and in case the Death of the Witnesses proving such Bankruptcy, in case the said Commissions, Depositions, Proceedings or other Matters or Things, shall be lost or mislaid, a true Copy of the Record of such Commissions, Depositions, and Proceedings, or other Matters or Things signed and attested as herein after is mentioned, shall and may upon all Occasions, be given in Evidence to prove such Commissions, and the Bankruptcy of such Person against whom such Commission hath been or shall be awarded, or other Matters or Things; any Law, Usage or Custom, to the contrary notwithstanding: And Certificates which have been allowed and confirmed, to be allowed and confirmed, and entred of Record, as aforesaid, or a true Copy of every Certificate, signed and attested as herein after is mentioned, shall and may be given in Evidence in any of His Majesty's Courts of Record, and be, without any further Proof, deemed, adjudged, and taken, to be a full and effectual Bar and Discharge of and against any Action or Suit, which shall be commenced or brought by any Creditor or Creditors

a true Copy whereof may be given in Evidence;

as may likewise all Certificates which have been confirmed, or a Copy thereof, and shall be a Bar to any Action, &c.

# or concerning Bankrupts.

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Bankrupt, for any Debt or Demand contracted, due, or demandable, before the issuing of such Commission, unless any Creditor or Creditors of the Person that hath such Certificate shall prove that such Certificate was fraudulently obtained; in which case Costs shall be allowed to either Party, as in other common Cases. And to the End that any Creditor or other Person or Persons may know where to search, and see whether such Commission hath issued, and find what Depositions have been taken by Virtue thereof, and what Proceedings have been thereupon, and whether the said Bankrupt hath made such Affidavit or Affirmation, as aforesaid, and whether such Certificates are entered of Record, as aforesaid, and all other Matters and Things which shall be entered of Record, in pursuance of this Act, the Lord High Chancellor, Lord Keeper, or Commissioners for the Custody of the Great Seal, shall appoint a certain proper Place near the Inns of Court, where all and every the Matters aforesaid shall be entered of Record, where all Persons shall be at Liberty to search and see if the same are duly entered of Record; and the Lord Chancellor, Lord Keeper, or Commissioners, shall, by a Writing under his or their Hands, appoint a proper Person, who shall, by himself, or his sufficient Deputy, to be approved by the Lord High Chancellor, Lord Keeper, or Commissioners, by a Writing under his or their Hands, enter of Record such Commissions, Depositions, Proceedings, and Certificates, and other Matters and Things, and have the Custody of the Entries thereof; and also appoint such Fee and Reward to be paid to such Person for his Labour and Pains therein, as the Lord High Chancellor, Lord Keeper, or Commissioners, shall think reasonable, not exceeding what is usually paid in the like Cases; and that the Person so to be appointed, and his Deputy, shall continue to enter of Record all and every the Matters and Things aforesaid, and to have the Custody of the same, so long as he or they shall respectively behave themselves well in entering the same of Record, and keeping such Entries, and shall not be removed but by Order in Writing under the Hand of the Lord High Chancellor, Lord Keeper, or Commissioners, on a good and sufficient Cause therein specified; and in case such Person shall die, or be as aforesaid removed, the Lord High Chancellor, Lord Keeper, or Commissioners for the time being, shall and may, in Writing under his or their Hands, appoint another Person to enter

unless Proof be made that such Certificate was fraudulently obtained.

The Lord Chancellor, &c. to appoint a Place where all the said Matters shall be entered of Record, and a Person to enter the same, and his Fees, &c.

Such Person not to be removed but by Order of the Lord Chancellor, &c. who in Case of Death or Removal may appoint another.

5. G. 1. c. 24.

enter the same of Record, who shall have the Custody of the Entries thereof, and shall have and receive the like Fee and Reward for his Labour and Pains therein.

4 &amp; 5 A. c. 17.

31. And whereas since the Expiration of an Act made in the Fourth and Fifth Years of the Reign of Her late Majesty Queen Anne, intituled, *An Act to prevent Frauds frequently committed by Bankrupts*, where Commissions of Bankrupt have been issued since that Time, the Assignee or Assignees to such Commissions have been appointed by the Commissioners acting under the said Commissions; which Trust of Assignment is generally reposed in such Person or Persons who sued out the said Commissions; which oftentimes hath proved a very great Loss and Inconvenience to the major Part of the Creditors of the said Bankrupt: For Remedy thereof, be it enacted by the Authority aforesaid, That where any Commission of Bankrupt hath been issued against any Bankrupt or Bankrupts since the Expiration of the said recited Act

After May 1, 1719, the Creditors of any Bankrupt against whom a Commission issued since the Expiration of 4 & 5 A. c. 17. may allow or remove Assignees chosen by Commissioners acting under any such Commission, and appoint others; whereupon the Commissioners shall be reinvested in such Bankrupt's Estate, &c.

And shall execute an Assignment to such New Assignees, who shall be intituled to the Bankrupt's Estate not before got in.

that from and after the First Day of May, One thousand seven hundred and nineteen, it shall and may be lawful for the Creditors, or the major Part of them (of any Bankrupts against whom a Commission of Bankrupt hath issued as aforesaid) to meet together, upon public Notice to be given in the *London Gazette* for that Purpose for Forty Days, either to allow of or remove such Assignee or Assignees, chosen by the Commissioners acting under any Commission of Bankrupt issued as aforesaid, and to elect and appoint such other Assignee or Assignees in their Places or Stead, as they the said Creditors or the major Part of them, shall judge most fit and convenient; and that upon electing such New Assignee or Assignees, that then, and in every such Case, the said Commissioners acting under such Commission of Bankrupt or the major Part of them, shall and are hereby declared to be reinvested and fully reinitituled to such Bankrupt's Estate, or any Part thereof (as shall be then undisposed of) and the said Commissioners are hereby empowered to dispose of the same, in as full and absolute a Manner, to all Intents and Purposes, as if no former Assignment had been made; and the said Commissioners, or the major Part of them, shall be and are hereby obliged to execute a New Assignment unto such New Assignee or Assignees elected, and appointed as aforesaid; and such New Assignee or Assignees, from and after such Assignment, shall effectually and legally be vested in and intituled, to all Intents



## or concerning Bankrupts.

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5. 2. 1. 2. 241  
 and Purposes, in and to all such Part or Parts of the Bankrupt's Estate, as shall not have been got in, or that yet out-standing or undisposed of by such former Assignee or Assignees, removed as aforesaid; and that such Assignee or Assignees, removed as aforesaid, shall be hereby obliged to join in such New Assignment by the Commissioners, as aforesaid, if thereunto required; and shall deliver over upon Oath, unto such New Assignee or Assignees, all such Goods, Wares, and Merchandises, or other Estate or Effects, and all Books, Papers, writings, and Accompts belonging to the said Bankrupt Bankrupts, or his or their Estates, which shall be in their, or any of their Hands, Custody, Power, or Possession, and undisposed of; any Law, Statute, Matter, or Thing, to the contrary notwithstanding.

The former Assignees to join in such New Assignment, &c.

12. Provided always, and be it further enacted by the authority aforesaid, That the said Commissioners, authorized as aforesaid, and every of them, shall not be capable of acting as a Commissioner or Commissioners in the Execution of any of the Powers and Authorities given or granted by this present Act, or any other Act or Acts of Parliament now in Force concerning Bankrupts, after the Five and twentieth Day of April, One thousand seven hundred and nineteen (unless it be the Power hereby given of administering Oaths to Commissioners) until such Time as he and they respectively shall have taken an Oath to the Effect following; that is to say;

After April 25, 1719. Commissioners not capable of acting till they have taken an Oath.

A. B. do swear, That I will faithfully, impartially, and honestly, according to the Best of my Skill and Knowledge, execute the several Powers and Trusts reposed in me as a Commissioner of Bankrupt, and that without Favour or Partiality, Prejudice or Malice.

The Oath.

So help me God.

13. Which Oath any Two or more of the said Commissioners are hereby impowered and required to administer to each other in the same Commission named and authorized; and they the said Commissioners shall and are hereby required to enter and keep a Memorial or Memorials thereof, signed by them respectively, among the depositions and other Proceedings on each respective Commission that shall be issued forth by Virtue of this Act, or any other Act or Acts of Parliament now in Force concerning Bankrupts.

Two Commissioners to administer the same, and keep a Memorial thereof.

Continued

*Continued by 11 Georgii, Cap. 29. and further continued by 13 Georgii, Cap. 27. E X P.*

### Anno 6 Georgii, Cap. 4.

An Act for enabling the *South-sea* Company to increase their present Capital Stock and Fund, by redeeming such Publick Debts and Incumbrances as are therein mentioned, and for raising Money to be applied for lessening severall of the publick Debts and Incumbrances and for calling in the present Exchequer Bills remaining uncanceled, and for making forth new Bills in lieu thereof, to be circulated and exchanged upon Demand at or near the Exchequer.

*Sec. 55.* **A**ND be it further enacted by the Authority aforesaid, That no Member of the same Corporation, in respect of his Share or Shares in the said Capital or increased Stock shall be, or be adjudged, liable to be a Bankrupt within the Intent and Meaning of all or any of the Statutes made against or concerning Bankrupts; and that no Stock in the said Company shall be subject and liable to any Foreign Attachment by the Custom of the City of London, or otherwise; any Law, Statute, Custom or Usage, to the contrary notwithstanding.

80. And be it hereby further enacted by the Authority aforesaid, That no Governor, Sub-Governor, Deputy Governor, or Director of the said *South-sea* Company or any of the said Trustees, or other Person or Persons whatsoever, who shall be intrusted or any Ways concerned in or about the Circulation or Exchanging of the said Exchequer

Bankrupt Bills, or any of them pursuant to this Act, shall, for that Cause only, be disabled from being a Member of Parliament, or be adjudged liable to be a Bankrupt within the Intent or Meaning of all or any the Statutes made against or concerning Bankrupts; any Law, Statute, or Provision to the contrary notwithstanding.

## Anno 6 Georgii, Cap. 18.

An Act for better securing certain Powers and Privileges intended to be granted by His Majesty by Two Charters, for Assurance of Ships and Merchandizes at Sea, and for lending Money upon Bottomry; and for restraining several unwarrantable Practices therein mentioned.

10. **A**ND be it further enacted by the Authority aforesaid, That . . . . . Person which shall be Governor, Director, or other Officer of either of the said Corporations to be erected aforesaid, shall, for that Cause only, be disabled from being a Member of Parliament; nor shall, in respect of his Share or Shares, be, or be adjudged liable to be a Bankrupt, within the Intent and Meaning of all or any Statutes made against or concerning Bankrupts. And that no Stock in the said respective Corporations shall be subject or liable to any Foreign Attachment, by the Custom of London, or otherwise; any Law or Statute to the contrary notwithstanding.

Anno

## Anno 6 Georgii, Cap. 22.

An Act for Relief of insolvent Debtors, and for the more easy Discharge of Bankrupts out of Execution, after their Certificates are allowed.

*Sec.* 20. **P**ROvided always, and be it enacted by the Authority aforesaid, That no Person against whom a Statute of Bankrupt hath been awarded, shall have or receive any Benefit or Advantage by this Act.

26. And whereas it was, for encouraging Bankrupts to make a Discovery of, and to deliver up their Estate and Effects for the Benefit of their Creditors, by an Act passed the last Session of this present Parliament, intitled, *An Act for the better preventing Frauds committed by Bankrupts*, enacted, amongst other things, That every Person against whom a Commission of Bankrupt had, from the Twenty sixth Day of May, One thousand seven hundred and sixteen, issued, or should issue during the Continuance of the said Act, whereupon such Person had been or should be declared a Bankrupt, who should discover and deliver up all his Estate and Effects to the Commissioners by the said Commission authorized, for the Benefit of his Creditors, and in all Things conform as in and by the said Act is directed, should be discharged from all Debts due by him, her, or them due or owing at the Time that he, she, or they did become Bankrupt; and that in Case such Bankrupt should afterwards be arrested, prosecuted, impleaded for any Debt due before such Time as he, she, or they did become Bankrupt, such Bankrupt should be discharged upon Common Bail, and should and might plead in General, that the Cause of such Action or Suit did accrue before such Time as he, she, or they did become Bankrupt, and might give the said Act and the special Matter in Evidence: And whereas it was by the said Act provided and further enacted, That no such Discovery, aforesaid, should intitle such Bankrupt or Bankrupts to the Benefits allowed by the said Act, unless the said Commission

5 G. c. 24.



8. G. 1. c. 22.  
 Bankrupts should, in Writing under their Hands and Seals, certify to the Lord Chancellor, or Lord Keeper, or Commissioners for the Custody of the Great Seal of Great Britain, that such Bankrupt or Bankrupts had made a full Discovery of his, her, or their Estates, and Effects, and that all Things conformed himself, herself, or themselves, according to the Directions of the said Act, and unless four Parts in Five in Number and Value of such Bankrupt's Creditors, who should have duly proved their Debts under such Commission, should sign such Certificate, and certify their Consent to the said Certificate, and to such Bankrupt's Discharge in Pursuance of the said Act; and unless such Bankrupt should make Oath, that such Certificate, and the Consent of the Creditors thereunto, were obtained fairly and without Fraud; and unless such Certificate should after such Oath be allowed and confirmed by the Lord Chancellor, Lord Keeper, or Commissioners for the Custody of the Great Seal of Great Britain, by such Two of the Judges of the Courts of King's Bench, Common Pleas, or Court of Exchequer at Westminister, to whom the Consideration of such Certificate should be referred: And whereas Bankrupts, notwithstanding they have made such Discovery, and delivered up their Estates and Effects, and obtained such Certificate from the said Commissioners, and such Certificate hath been allowed and confirmed, as aforesaid, have yet sometimes taken in Execution, and detained in Prison, to the utter Ruin of their Families, on Account of Debts owing by them before they became Bankrupts, by reason that Judgement was obtained against them before their Certificates were allowed and confirmed as aforesaid; and a Doubt having arisen whether such Bankrupts Execution upon such Judgements can by Virtue of the said Act, be discharged out of Custody, as by the said Act is intended, without such Bankrupt's bringing a Writ *Audita Querela*, the Charge of which they are in no ways able to bear, after delivering up all their Estates and Effects; be it therefore further enacted by the Authority aforesaid, That it shall and may be lawful for any One or more of the Judges of the Court wherein Judgement has been so obtained against such Bankrupt, on such Bankrupt's producing such Certificate as aforesaid, allowed and confirmed as aforesaid, and entered of Record according to the Directions of the said Act, to order any Sheriff or Sheriffs, Bailiff or Officer, Goaler and Keeper of

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See 2. Str. 1196.  
 1. Wils. 41.

Any Judge of the Court where Judgement has been obtained against a Bankrupt, may, on his producing a Certificate of his Discharge,

order any Sheriff, &c. to discharge him without Fee; and such Sheriff, &c. shall be indemnified.

of any Prison, who hath or shall have any Bankrupt in his Custody by Virtue of such Execution, to discharge such Bankrupt out of Custody on such Execution, without Payment of any Fee or Reward; and such Sheriff or Sheriffs, Bailiff and Officer; Gaoler and Keeper; hereby required to discharge such Bankrupt out of Custody accordingly, and are hereby indemnified from all Action for an Escape for his or their so doing.

## 7 Georgii, Cap. 31.

An Act for explaining and making more effectual the several Acts concerning Bankrupts.

Preamble.

*Seet. 1.* **W**HEREAS Merchants, and other Traders in Goods, have been often obliged, and more especially of late Years, to sell and dispose of their Goods and Merchandizes to such Persons as have Occasion for the same upon Trust or Credit, and to take Bills, Bonds, Promissory Notes, or other Persons Securities for the Monies, payable at the End of Three, Four or Five Months, or other future Days of Payment, and the Buyers of such Goods becoming Bankrupts, and Commissions of Bankruptcy being taken out against them, before the Money upon such Bonds, Notes, or other Securities, became payable, it hath been a Question, whether such Persons, giving such Credit on such Securities, should be let in to prove their Debts, or be admitted to have any Dividend or other Benefit by the Commission, before such Time as such Securities became payable, which hath been a great Discouragement to Trade, and great Prejudice to Credit within this Realm: For Remedy whereof it is enacted and declared by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by Authority of the same, That all and every Person and Persons, who have given Credit, or at any Time or Times hereafter shall give

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# or concerning Bankrupts.

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7.4.1.c.31.

edit, on such Securities as aforesaid, to any Person or Persons, who is, are, or shall become Bankrupts, upon a and valuable Consideration *bona fide*, for any Sum or of Money, or other Matter or Thing whatsoever, which is or shall not be due or payable at or before the time of such Persons becoming Bankrupt, shall be admitted to prove his, her, or their several and respective Bonds, Notes, or other Securities, Promise or Agreements for the same, in like Manner as if they were due and payable presently, and not at a future Day; and shall be intitled unto, and shall have and receive a proportionable Part, Share, and Dividend of such Bankrupt's Estate, in Proportion to the other Creditors of such Bankrupt, deducting only thereout a Rebate of Interest, and counting such Securities payable at future Times, at the Rate of Five Pounds *per Centum per Annum*, for which he shall so receive, to be computed from the actual Payment thereof to the Time such Debt, Duty, or Sum of Money should or would have become due and payable by such Securities, as aforesaid.

And be it further enacted by the Authority aforesaid, That all and every Person or Persons, who now are or shall become Bankrupts, shall be discharged of and from all and every such Bond, Note, or other Security aforesaid, and shall have the Benefit of the several Statutes now in Force against Bankrupts, in like Manner to all Intents and Purposes, as if such Sum of Money had been due and payable before the Time of his becoming a Bankrupt.

Provided always, and it is hereby declared, That no such Creditor shall be deemed or taken to be a sufficient Creditor, for or in respect of such Debt, to petition or sue in any Petition for the obtaining or suing forth any Commission of Bankruptcy, until such Time as such Debt shall become actually due and payable. 5 Geo. 2.

Persons who have given Credit for Goods sold, and taken Bills, Bonds, &c. payable at future Days, and the Buyers become Bankrupts before the Monies due, the Persons so giving Credit shall be intitled to a Proportionable Share of such Bankrupt's Estate, deducting a Rebate of Interest, and discounting such Securities at 5l. *per Centum per Annum*. Bankrupts shall be discharged from such Bonds, &c.

No such Creditor shall petition for suing forth a Commission, &c.

*This clause repealed. Stat. (21) 122.*

*Sec 19.4.2.c.32. provides for by a subsequent law. See port. 140.*

*It has been a question much agitated in this clause, whether sums payable at a future day if a certain contingency happens, are within the meaning of this statute. There has been a variety of decisions of this point, particularly on securities by husband and wife. In the case of the latter, it seems to have been under difficulties on this point, & to have varied in different opinions upon it at different times. But as if we understand the matter, it has been for some time settled that contingent debts payable at a future day are not provable under the Statute in the case of bottomry & respondentia bonds is specially*

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## Anno 8 Georgii, Cap. 20.

An Act for paying off and cancelling One Million of Exchequer Bills, and give Ease to the *South-sea* Company in Respect of its present Obligation, circulate or contribute towards circulating Exchequer Bills; and to give further Time to that Company Repayment of One Million which was lent to them, and for issuing a further Sum in new Exchequer Bills, towards His Majesty's Supply, to be discharged and cancelled, when the said Company shall repay the Million owing by them; and that the Exchequer Bills, which are to continue, may be circulated at easy and moderate Rates; and for appropriating the Supplies granted to His Majesty in this Session of Parliament, and for Relief of the Sufferers at *New* and *St. Christophers*, by an Invasion of the *French* in the late War; and laying a further Duty on Apples imported; and for ascertaining the Duties on Pictures imported.

*Sect.* 26. **A**ND it is hereby enacted, That such Contractors, or any of them, shall not, for Cause only, be disabled from being a Member or Members of Parliament, or be adjudged liable to be a Bankrupt or Bankrupts, within the Intent or Meaning of or any of the Statutes made against or concerning Bankrupts.



pts; any Law, Statute, or Provision to the contrary notwithstanding.

Anno 9 Georgii, Cap. 18.

An Act for granting an Aid to His Majesty by laying a Tax upon Papists, and for making such other Persons, as upon due Summons shall refuse or neglect to take the Oaths therein mentioned, to contribute towards the said Tax; for reimbursing to the Publick, Part of the great Expences occasioned by the late Conspiracies; and for discharging the Estates of Papists from the Two third Parts of the Rents and Profits thereof for one Year, and all Arrears of the same, and from such Forfeitures as are therein more particularly described.

§. 53. **A**ND it is hereby enacted, That such Contractors (*viz. for circulating the Bills to be issued* *this Act*) or any of them, shall not for that Cause only be disabled from being a Member or Members of Parliament, or be adjudged liable to be a Bankrupt or Bankrupts within the Intent or Meaning of all or any the Statutes made against or concerning Bankrupts; any Law, Statute, or Provision to the contrary notwithstanding.

## Anno 9 Georgii, Cap. 28.

An Act for more effectual Execution of Justice in a pretended Privileged Place in the Parish of St. George in the County of Surrey, commonly called the Mint, and for bringing to speedy and exemplary Justice such Offenders as are therein mentioned; and for giving a Relief to such Persons as are proper Objects of Charity and Compassion there

*Sect. 20.* **P**ROVIDED also, That no Person, against whom any Commission of Bankrupt hath been awarded, and whose Certificate hath not been allowed, shall have, or be intitled to any such Discharge (or from any Debts or Arrests) or receive any Benefit therefrom

## Anno 11 Georgii, Cap. 17.

An Act for redeeming the Annuities Twenty five thousand Pounds *per Annum* charged on the Civil List Revenues, an Act of the Seventh Year of His Majesty's Reign; and for discharging the Debts and Arrears due from His Majesty to His Servants, Tradesmen and others.

*Sect. 17.* **A**ND it is hereby enacted, That such Contractors (*viz. for circulating the Exchequer Bills to be made forth in Pursuance of this Act*) or any the

or concerning Bankrupts.

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shall not for that Cause only be disabled from being Member or Members of Parliament, or be adjudged to be a Bankrupt or Bankrupts within the Intent Meaning of all or any the Statutes made against or concerning Bankrupts; any Law, Statute, or Provision, the contrary notwithstanding.

Anno 11 Georgii, Cap. 21.

An Act for the Relief of Insolvent Debtors.

21. **P**ROvided always, and be it enacted by the Authority aforesaid, That no Person against whom a Statute of Bankrupt hath been awarded, shall receive any Benefit or Advantage by this Act, except for such Debts as have been contracted since the making of such Statute.

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## Anno 11 Georgii, Cap. 29.

An Act to continue several Acts therein mentioned for preventing Frauds committed by Bankrupts; for encouraging the Silk Manufactures of this Kingdom; for preventing the Clandestine Running of Goods; for making Copper Ore of the *British* Plantations an enumerated Commodity; and for explaining and amending a late Act for more effectual Punishment of such as shall wilfully burn or destroy Ships.

Bankrupts Act  
5 Geo. continued for One  
Year, &c.

*Sect. 1.* **W**HEREAS the Laws herein after mentioned (which have by Experience been found useful and beneficial) are near expiring, May therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That an Act made in the Fifth Year of His Majesty's Reign, intituled, *An Act for preventing Frauds committed by Bankrupts*, which Act was to continue in Force for Seven Years, from the Twenty sixth Day of May, One thousand seven hundred and sixteen, and from thence to the End of the then next Session of Parliament, shall be, and is hereby continued from the Expiration thereof, for and during the Space of One Year, and from thence to the End of the then next Session of Parliament.



Anno 12 Georgii, Cap. 4.

An Act for continuing the Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *England*; and for granting to His Majesty certain Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *Scotland*, for the Service of the Year One thousand seven hundred and twenty six; and for the more effectual preventing Frauds and Abuses in the shipping of Malt for Exportation to Foreign Parts; and for ascertaining the Price of Ale to be sold in *Scotland*; and for making good the Deficiency on the Lottery Tickets of the Year One thousand seven hundred and twenty four; and for making forth Duplicates of Exchequer Bills, Lottery Tickets, and Orders, lost, burnt, or otherwise destroyed.

36. **A**ND it is hereby enacted, That such Contractors (*viz. for circulating the Exchequer Bills to be made forth by Virtue of this Act*) or any of them, shall not for that Cause only be disabled from being a Member or Members of Parliament, or be adjudged to be a Bankrupt or Bankrupts, within the Intent and Meaning of all or any the Statutes made against or concerning Bankrupts; any Law, Statute, or Provision to the contrary notwithstanding.

## Anno 13 Georgii, Cap. 27.

An Act for continuing the Laws therein mentioned, relating to Copper Bars exported, and for better preventing Frauds committed by Bankrupts; and for searching Drugs and Compositions for Medicines.

*Seet. 1.* **A**ND be it further enacted by the Authority aforesaid, That an Act made in the Fifth Year of His Majesty's Reign, intituled, *An Act for the better preventing Frauds committed by Bankrupts*, which Act was to continue in Force for Seven Years from the Twenty sixth Day of May, One thousand seven hundred and sixteen, and from thence to the End of the then next Session of Parliament; and which by another Act made in the Eleventh Year of His Majesty's Reign, was continued for One Year, and from thence to the End of the then next Session of Parliament, shall be, and is hereby continued, from the Expiration thereof, for and during the Space of One Year, and from thence to the End of the then next Session of Parliament.

## Anno 5 Georgii II. Cap. 30.

An Act to prevent the committing of Frauds by Bankrupts.

Preamble, reciting 5 Geo. I.

**W**HEREAS Commissions of Bankrupt have been issued against several Persons, not long before, and since the Expiration of the Statute made in the Fifth Year of His late Majesty's Reign, intituled, *An Act for the better preventing Frauds committed by Bankrupts*, and such Per-

# or concerning Bankrupts.

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5. G. 2. c. 90.

as have been declared Bankrupts by the Commis-  
sioners by such Commissions authorized; and yet several  
such Bankrupts, by Reason of the Expiration of the  
said Statute, have not only refused to surrender them-  
selves to the Commissioners, and to discover and deliver  
their Estate and Effects to the said Commissioners,  
to the Benefit of their Creditors, but have carried away  
and concealed the same, in such Manner that the said  
Commissioners have not been able to seize the same, to  
the manifest Wrong and Injury of their Creditors, and  
to the great Discouragement of Trade: And whereas  
many evil-minded Persons have, since the Expiration of  
the said Statute, bought and taken upon Trust and Cre-  
dit, divers great Quantities of Goods, Wares, and  
Merchandizes, and have thereby, and by their extrava-  
gant Manner of Living, and otherwise, contracted great  
Debts; and, having gotten such Goods and Effects  
into their Custody, have sold or pawned the same for less  
than the Value thereof, and thereby raised ready Money,  
and have withdrawn themselves from their usual Places  
and Abode with their Effects, into secret Places, in order  
to oblige their Creditors to accept of such Composition  
for their respective Debts, as such evil-minded Persons  
think fit to offer; or have carried away their Effects be-  
hind the Seas, whereby their Creditors have been to-  
tally deprived of their Debts: And whereas many Per-  
sons have and do daily become Bankrupts, not so much  
for Reason of Losses and unavoidable Misfortunes, as  
for the Intent to oblige their Creditors to accept such  
their unjust Proffers and Compositions, and to defraud  
and hinder their Creditors of their just Debts: There-  
fore to remedy the said Abuses, and to supply the De-  
ficiencies and Inconveniencies of former Laws relating to Bank-  
rupts, be it enacted by the King's most Excellent Ma-  
jesty, by and with the Advice and Consent of the Lords  
Spiritual and Temporal, and Commons, in this present  
Parliament assembled, and by the Authority of the same,  
that if any Person or Persons, who, since the Fourteenth  
day of May, which was in the Year of our Lord One  
thousand seven hundred and twenty nine, hath or have be-  
come Bankrupt, or who shall at any Time hereafter,  
during the Continuance of this Act, become Bankrupt  
within the Intent and Meaning of the several Statutes  
made and now in Force concerning Bankrupts, or any  
of them, and against whom a Commission of Bankrupt,  
under

Bankrupts  
since 14 May,  
1729.

*5. G. 2. c. 30.*  
 under the Great Seal of *Great Britain*, hath, since  
 said Fourteenth Day of *May*, which was in the Y  
 of our Lord One thousand seven hundred and twen  
 nine, been awarded and issued out, or shall at any Ti  
 hereafter be awarded and issued out, whereupon  
 Person or Persons, against whom such Commission ha  
 issued, or shall issue, hath or have been, or shall be declar  
 Bankrupt or Bankrupts, shall not within Forty t  
 Days, after Notice thereof in Writing to be left  
 the usual Place of Abode of such Person or Persons,  
 personal Notice, in case such Person or Persons be th  
 in Prison, and Notice given in the *London Gazette*  
 that such Commission or Commissions is, are, or ha  
 been issued, and of the Time and Place of a Meeti  
 of the Commissioners therein named, or the major P  
 of them, surrender him, her, or themselves to the sa  
 Commissioners named in the said Commission, or t  
 major Part of them, and sign or subscribe such Surre  
 der, and submit to be examined, from time to tim  
 upon Oath, or, being of the People called *Quakers*, up  
 the Solemn Affirmation by Law appointed for su  
 People by and before such Commissioners, or the ma  
 Part of them, by such Commission authorized, and in  
 Things conform to the several Statutes already made a  
 now in Force concerning Bankrupts; and also upon su  
 his, her, or their Examination, fully and truly disclo  
 and discover all his, her, or their Effects and Estate Re  
 and Personal, and how, and in what Manner, to whom  
 and upon what Consideration, and at what Time or Tim  
 he, she, or they, have or hath disposed of, assigned, or tran  
 ferred any of his, her, or their Goods, Wares, Me  
 chandizes, Monies, or other Estate and Effects, and  
 Books, Papers, and Writings relating thereunto,  
 which he, she, or they was or were possessed, or in or  
 which he, she, or they was or were any ways intereste  
 or intitled, or which any Person or Persons had or hath,  
 have had in Trust for him, her or them, or for his, he  
 or their Use, at any Time before or after the issuing of th  
 said Commission, or whereby such Person or Persons,  
 his, her, or their Family or Families, hath, or have,  
 may have or expect any Profit, Possibility of Profit, Be  
 nefit, or Advantage whatsoever, except only such Part  
 his, her, or their Estate and Effects, as shall have bee  
 really and *bona fide* before sold or disposed of in the Wa  
 of his, her, or their Trade and Dealings; and except  
 suc

not surrender-  
 ing within 42  
 Days Notice,

conforming to  
 the Statutes,



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Sums of Money, as shall have been laid out in the ordinary Expence of his, her, or their Family or Families; and also, upon such Examination, deliver up to the said Commissioners by the said Commission authorized, or the major Part of them, all such Part of his, her, or their the said Bankrupts Goods, Wares, Merchandizes, Money, Estate, and Effects, and all Books, Papers, and Writings, relating thereunto, as at the time of such Examination shall be in his, her, or their Possession, Custody, or Power (his, her, or their necessary Wearing Apparel, and the necessary Wearing Apparel of the Wife and Children of such Bankrupt, only excepted) then he, she, or they, the said Bankrupt or Bankrupts, in case of any Default and wilful Omission in not surrendering and submitting to be examined, as aforesaid, in case he, she, or they, shall remove, conceal, or imbezil or imbezilling Part of such his, her, or their Estate, Real or Personal, Goods to the Value of Twenty Pounds, or any Books of Account, Papers, or Writings relating thereto, with an intent to defraud his, her, or their Creditors (and being thereof lawfully convicted by Indictment or Information) shall be deemed and adjudged to be guilty of Felony, and shall suffer as Felons without Benefit of Clergy, and the Benefit of any Statute made in relation to Felons; in such Case such Felons Goods and Estate shall go to the Creditors of such Bankrupts condemned to such Commission; any Law, Usage, or Custom to the contrary thereof in any wise notwithstanding.

Provided always, and be it enacted by the Authority of Parliament, That the said Commissioners, authorized as aforesaid, shall appoint within the said Forty two Days (or such less Time as shall be appointed, as aforesaid) for the Bankrupt to surrender and conform as aforesaid, not less than Three several Meetings for the Purposes aforesaid, the last of which shall be on the Forty second Day hereby limited for such Bankrupt's Appearance, except on Commissions already issued since the said Fourteenth Day of May, One thousand seven hundred and twenty nine, where the Person or Persons against whom such Commission issued has or have before surrendered and submitted to be examined: In which Case the said Commissioners, authorized as aforesaid, shall appoint only One Sitting more for the Purposes aforesaid, unless the Assignee or Assignees of the Estate of such Bankrupt shall think more Sitzings necessary, and desire the same, and Three Weeks Notice at least

or imbezilling  
Goods to  
the Value of  
20 l. guilty of  
Felony.

*In Ruffhead's  
case the word is  
judgment. See  
Goods of Queen's Bank.  
Bankrupts c. 217.  
condemned to  
go to the  
Creditors.*

Number and  
Limitations of  
Sittings, for the  
Bankrupt to be examined  
in the 42. day.  
The last to be  
on the 42. day.

5. G. 2. C. 30.

least shall be given in the *London Gazette*, of the Time and Place of such Meetings.

Lord Chancellor may enlarge the Time for surrendering.

3. Provided always, and it is hereby declared and enacted by the Authority aforesaid, That it shall and may be lawful to and for the Lord Chancellor, or Lord Keeper, or Commissioners for the Custody of the Great Seal of Great Britain for the time being, to enlarge the Time for such Person or Persons surrendering him, her, or themselves, and disclosing and discovering his, her, or their Estate and Effects, as aforesaid, as the said Lord Chancellor, Lord Keeper, or Commissioners, shall think fit, not exceeding Fifty Days, to be computed from the End of the said Forty two Days; so as such Order for enlarging the Time, be made by the said Lord Chancellor, Lord Keeper, or such Commissioners, Six Days at least before the Time on which such Person or Persons was or were to surrender him, her, or themselves, and make such Discovery, as aforesaid.

*But he is to be made at least 6 days before the time on which the surrender may be made.*

Books of Account to be delivered to the Assignees on Oath.

Bankrupt to attend Assignees,

4. And be it further enacted by the Authority aforesaid That every such Bankrupt or Bankrupts, as aforesaid after any Assignee or Assignees of his, her, or their Estate and Effects shall be chosen and appointed, as herein after mentioned, shall be, and is, and are hereby required forthwith to deliver up upon Oath, or (One of the People called *Quakers*) upon solemn Affirmation before One of the Masters of the High Court of Chancery, or before any Justice of the Peace within his respective Jurisdiction (which Oath or Affirmation they are hereby empowered to administer) unto such Assignee or Assignees all his, her, or their Books of Accounts, Papers, and Writings not seized by the Messenger of the said Commission, or not before delivered up to the Commissioners or the major Part of them, and then in his, her, or the Custody or Power, and discover such as are in the Custody or Power of any other Person or Persons, that in any ways relate to or concern his, her, or their Estate and Effects; and all and every such Bankrupt or Bankrupts not in Prison or Custody, shall at all Times after such Surrender as aforesaid, be at Liberty, and is and are hereby required to attend such Assignee or Assignees upon every reasonable Notice in Writing for that Purpose given by such Assignee or Assignees unto such Bankrupt or Bankrupts, or left for him, her, or them, at his, her, or their House, or Place of Abode, in order to assist, and shall assist such Assignee or Assignees, in making out

5. 4. 2. 30.

the Accounts of the said Bankrupt's Estate and Effects. And be it further enacted by the Authority aforesaid, that all and every Bankrupt or Bankrupts, having surrendered as aforesaid, shall at all seasonable Times, before the Expiration of the said Forty two Days, or such other Time as shall be allowed to such Bankrupts, to attend his, her, or their Examination, be at Liberty to inspect his, her, or their Books, Papers, and Writings, in the Presence of such Assignee or Assignees, or some Person to be appointed by such Assignee or Assignees for that Purpose, and to take and bring with him, her, or them, for his, her, or their Assistance, such Persons as he, she, or they shall think fit, not exceeding two Persons at any One Time, and to make out such Abstracts and Copies from thence, as he, she, or they shall think fit, the better to enable him, her, and them to make full and true Discovery and Disclosure of his, her, or their Estate and Effects; and in order thereto, the said Bankrupt or Bankrupts shall be free from all Arrests, Detainment, or Imprisonment of any of his, her, or their Creditors in coming to surrender, and from the actual Surrender of such Bankrupt to the said Commissioners, for and during the said Forty two Days, or such other Time as shall be allowed to such Bankrupt or Bankrupts, for finishing his, her, or their Examinations aforesaid, provided such Bankrupt was not in Custody at the Time of such Surrender and Submission to be examined; and in case such Bankrupt shall be arrested for Debt, or on any Escape Warrant, coming to surrender him or herself to the said Commissioners, or, after his or her Surrender, shall be so arrested within the Time before mentioned, that then on producing such Writs or Summons or Notice, under the Hands of the said Commissioners, Assignee or Assignees, to the Officer who shall arrest him, her, or them, and making it appear to such Officer, that such Notice or Summons is signed by the said Commissioners, or the major Part of them, or by such Assignee or Assignees, and giving such Officer a Copy thereof, shall be immediately discharged. And in case any Officer shall detain such Bankrupt or Bankrupts (after he, she, or they shall have shewn such Notice or Summons to him, and made it appear it was signed as aforesaid) in his Custody, such Officer shall forfeit and pay to such Bankrupt, for his own Use, the Sum of Five Pounds

*if not in custody before shall and be free from Restraint during Examination, if not in Custody before from his name for the 42 Days or such shorter time as shall be allowed for finishing his exam.*

Penalty on Officer detaining Bankrupts from attending Assignees.

*Under this provision Bankrupts sometimes surrender before the 1<sup>st</sup> meeting for the sake of privilege from arrest during the 42 days; viz. if it is desired the comm<sup>rs</sup> meet in private, sometimes the bankrupt surrenders in private and is bound a bankrupt for the sake of his privilege from arrest.*



*5. G. 2. c. 30.*

Pounds for every Day such Officer shall detain Bankrupt; to be recovered by Action of Debt in any His Majesty's Courts of Record at *Westminster*, in Name or Names of such Bankrupt or Bankrupts, Full Costs of Suit.

Bankrupts in Custody to be brought before Commissioners at the Creditors Expence;

if in Execution, Commissioners to attend them in Prison.

6. Provided always, and be it further enacted, That in case any Bankrupt be in Prison, or in Custody, at the Time of issuing of the said Commission as aforesaid, and is willing to surrender and submit to be examined according to the Directions of this Act, and can be brought before the said Commissioners and Creditors for that Purpose, the Expence thereof shall be paid out of the said Bankrupt's Estate and Effects: But in case the Bankrupt is in Execution, or cannot be brought before the Commissioners, that then the acting Commission shall from time to time attend the said Bankrupt in Prison or Custody, and take his or her Discovery, and other Cases; and the Assignees of the said Estate shall have Power, and are hereby required to appoint one or more Persons to attend such Bankrupt, being in Prison or in Custody, as aforesaid, from time to time, and to produce to him or her, his or her Books, Papers, and Writings, in order to prepare his or her last Discovery and Examination, according to the Directions before mentioned; a Copy whereof the Assignees of the said Estate shall apply for, and the said Bankrupt shall deliver to them or their Order, Ten Days at least before such last Examination.

Allowances to Bankrupts *forming*

*5 percent out of the neat produce of the estate received & received, if sufficient to pay the said 15% in the pound.*

7. And be it further enacted by the Authority aforesaid, That all and every Person and Persons so become to become Bankrupts, as aforesaid, who shall, within the Time limited by this Act, surrender him, herself, or themselves to the acting Commissioners named and authorized in or by any Commission of Bankrupt awarded or to be awarded against him, herself, or them, and in Things conform, as in and by this Act is directed, shall be allowed the Sum of Five Pounds *per Centum* out of the neat Produce of all the Estate that shall be recovered in, and received; which shall be paid unto him, herself, or them, by the Assignee or Assignees of the said Commissioners, in case the neat Produce of the said Estate after such Allowance made, shall be sufficient to pay the Creditors of the said Bankrupt, who have proved their Debts under the said Commission, the Sum of Ten Shillings in the Pound, and so as the said Five Pounds



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But this yellow  
not to exceed  
£200.

If 12:16 is the  
price, ~~then~~  
then £7.10. per  
cent. but not below  
£250.

£15. in the pound,  
£10. per cent, but not  
to exceed £300.

Bankrupt confirmed  
discharged from all  
debts and claims. He be-  
comes bankrupt.

Bankrupts dis-  
charged, freed  
from future  
Arrests

Lee 4/18/75. D. Lee  
 dated 4/5/75. D. Lee  
 2. Lee 11/16. 3. d.  
 1. 11/16. 163.

J. W. M. Maffey 1. Adh.  
 by certificate in a  
 joint comm<sup>n</sup> held  
 the separate etc.  
 Dec. 3. P. M. 124.  
 As it is vice versa  
 as to certificate  
 on a separate com-  
 m<sup>n</sup> joint debt are  
 joined this

(a) This act is construed to extend to debts, for which the bankrupts <sup>part of the</sup> ~~incurred~~ <sup>given</sup> before the date of bankruptcy, <sup>the same</sup> ~~incurred~~ <sup>incurred</sup> under v. 7, 14, 92, 20, 115. Yet the subsequent words of the confined to assets & suits after the bankruptcy.

But if before the bankruptcy the bankrupt was, as  
usual execution for the debt, summons, &c. at  
the certificate will not entitle him to his dis-  
charge, the execution bearing &c. <sup>see p. 313. post.</sup>  
the debt, that it cannot be proved under <sup>see p. 313. post.</sup>  
the debt, that it cannot be proved under <sup>see p. 313. post.</sup>

given against the Plaintiff, the Defendant shall recover his Full Costs.

Bankrupt's Allowance, if the Effects amount not to 10s. per Pound.

To be what the Assignees & Commissioners shall think fit, but not less than 3 per cent.

In what Cases future Effects of Bankrupts still liable to Creditors.

1. Where the Debtor has compounded with his Creditors or has delivered his Estate to them & has been released by them under an Act.

2. Where they have compounded with their Creditors or have delivered their Estate to them & have been released by them under an Act.

See art. 13.

2. Stat. 1207.

J. 11th. 253.

at Chippingdale  
County of Northampton  
But this to be  
no less than 15s. in  
the pound.

8 Provided always, and it is hereby declared and acted by the Authority aforesaid, That if the neat Proceed of such Bankrupt's Estate, so to be discovered, covered, and received, together with what shall be otherwise recovered, and received, shall not amount to so much as will pay all and every the Creditors of such Bankrupt who shall have proved their Debts under the said Commission, the Sum of Ten Shillings in the Pound for their respective Debts, after all Charges first had and deducted, that then, and in such Case, such Bankrupt shall not be allowed the Sum of Five Pounds per Centum out of such Estate as shall be so recovered, but shall be allowed and paid, by the Assignees, so much Money as the said Assignees and Commissioners, authorized as aforesaid, shall think fit to allow to such Bankrupt, not exceeding Three Pounds per Centum.

9. Provided always, and be it further enacted by the Authority aforesaid, That from and after the Twenty fourth Day of June, One thousand seven hundred and thirty two, in case any Commission of Bankruptcy shall issue against any Person or Persons, who, at the said Twenty fourth Day of June, One thousand seven hundred and thirty two, shall have been charged by Virtue of this Act, or shall have compounded with his, her, or their Creditors, or delivered to the his, her, or their Estate or Effects, and been released by them, or been discharged by any Act for the Release of Insolvent Debtors after the Time aforesaid, then and in either of those Cases the Body and Body only of such Person and Persons, conforming as aforesaid, shall be free from Arrest and Imprisonment by Virtue of this Act; but the future Estate and Effects of every such Person and Persons shall remain liable to his, her, or their Creditors, as before the making of this Act (the Tools of Trade, the necessary Household Goods and Furniture, and necessary Wearing Apparel of such Bankrupt, and his Wife and Children, only excepted) unless the Estate of such Person or Persons, against whom such Commission shall be awarded, shall produce clear after all Charges, sufficient to pay every Creditor under the said Commission, Fifteen Shillings in the Pound for their respective Debts.

10. Provided

## or concerning Bankrupts.

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3. 2. 2. 0. 30.  
 Provided also, and be it enacted by the Authority On what Con-  
 of the said, That no Discovery upon Oath, or solemn ditions Certi-  
 Affirmation, to be made by any Bankrupt or Bank- ficates to be  
 rupt, of his, her, or their Estate and Effects, pursuant signed.  
 to this Act, shall intitle such Bankrupt or Bankrupts  
 to the Benefits allowed by this Act, unless the Commis-  
 sioners authorized by such Commission, or the major Part  
 of them, shall, in Writing under their Hands and  
 Seals, certify to the Lord Chancellor, or Lord Keeper,  
 Commissioners for the Custody of the Great Seal of  
 Great Britain, for the time being, That such Bankrupt  
 Bankrupts hath or have made a full Discovery of  
his, her, or their Estate and Effects, and in all Things  
informed himself, herself, or themselves, according to  
Directions of this Act; and that there doth not  
appear to them any Reason to doubt of the Truth of  
such Discovery, or that the same is not a full Discovery  
of all such Bankrupt's Estate and Effects; and unless  
in Parts in Five in Number and Value of the Cre-  
ditors of such Bankrupt or Bankrupts, who shall be Cre-  
ditors for not less than Twenty Pounds respectively, and  
who shall have duly proved their Debts under such Com-  
mission, or some other Person by them respectively duly  
authorized thereunto, shall sign such Certificate, and te-  
stify their Consent to such Allowance and Certificate,  
in order to the said Bankrupt's Discharge, in Pursuance of  
this Act, to be also certified by such Commissioners; but  
such Commissioners shall not certify the same, till they  
shall have Proof by Affidavit or Affirmation in Writing  
of such Creditors, or of the Person by them respectively  
authorized for that Purpose, signing the said Certificate,  
under the Power and Authority by which any Person  
shall be authorized by any Creditor to sign such Certi-  
cate for any Creditor; which Affidavit or Affirmation,  
whether with such Warrant or Authority to sign, shall  
be made before the Lord High Chancellor, Lord Keeper,  
Commissioners of the Great Seal, with the said Cer-  
tificate, in order for the allowing and confirming the  
same; and unless such Bankrupt make Oath, or, being  
of the People called Quakers, solemnly affirm in Writ-  
ing, That such Certificate and Consent of the Credi-  
tors thereunto were obtained fairly and without Fraud,  
and unless such Certificate shall, after such Oath or  
Affirmation of the Bankrupt, be allowed and confirm-  
ed by the Lord Chancellor, Lord Keeper, or Com-  
missioners



5. G. 2. C. 30.  
 missioners for the Custody of the Great Seal of Great Britain for the time being, or by such Two of the Justices of the Courts of King's Bench, Common Pleas, or Barons of the Court of Exchequer at Westminster to whom the Consideration of such Certificate shall be referred by the Lord Chancellor, Lord Keeper, or Commissioners of the Great Seal, for the time being; and of the Creditors of such Bankrupt are to be allowed to be heard if they shall think fit, before the respective persons aforesaid, against the making such Certificate, against the Confirmation thereof; nor shall any Commissioner sign such Certificate till after Four Parts in Five in Number and Value of the said Creditors shall be signed the same, as aforesaid.

Contracts to induce Creditors to sign Certificates void.

11. And be it enacted by the Authority aforesaid, That every Bond, Bill, Note, Contract, Agreement, or other Security whatsoever, to be made or given by or for a Bankrupt, or by any other Person, unto, or to the use of, or in Trust for any Creditor or Creditors, or for the Security of the Payment of any Debt or Sum of Money due from such Bankrupt, at the Time of his becoming Bankrupt, or any Part thereof, between the Time of his becoming Bankrupt, and such Bankrupt's discharge, as a Consideration, or to the Intent to perform, or to induce him, her, or them, to consent to or sign any such Allowance or Certificate, shall be wholly void, and of no Effect; and the Monies thereby secured, or agreed to be paid, shall not be recovered or recoverable; and any Party sued on such Bond, Bill, Note, Contract, Agreement, shall and may plead the General Issue, and give this Act, and the special Matter in Evidence; and nothing therein contained, or any Law, Custom, or Usage to the contrary notwithstanding.

Persons excepted from the Benefits of this Act.

12. Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act shall be construed to extend, or give or grant any Privilege, Benefit, or Advantage to any Bankrupt whatsoever, against who was a Commission of Bankrupt, under the Great Seal of Great Britain, since the said Fourteenth Day of May, which was in the Year of our Lord One thousand seven hundred and twenty nine, hath issued, or hereafter shall issue, or shall, for or upon Marriage of any of his or her Children, have given, advanced, or paid above the Value of One Hundred Pounds, unless he or she shall prove by his or her Books fairly kept, or otherwise upon his



## or concerning Bankrupts.

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5. 2. 2. 3. 3. 3. 3.

Oath, or being of the People called *Quakers*, upon solemn Affirmation, before the major Part of the Commissioners in such Commission named and authorized, that he or she had at the Time thereof, over and above the Value so given, advanced or paid, remaining in Goods, Wares, Debts, ready Money, or other Estate Real or Personal, sufficient to pay and satisfy unto each and every Person, to whom he or she was any wise indebted, their full and entire Debts; or who hath or shall have lost in any One Day the Sum or Value of Five Pounds, or in the Whole, the Sum or Value of One Hundred Pounds, within the Space of Twelve Months next preceding his, her, or their becoming Bankrupt, in playing at or with Cards, Dice, Tables, Tennis, Bowls, Billiards, Shovel-board, or in or by Cock Fighting, Horse Races, Dog Matches, or Foot Races, or other Pastimes, Game or Games whatsoever, or in or by bearing a Share or Party in the Stakes, Wagers, or Adventures, or in or by betting on the Sides or Hands of such as do or shall play, act, ride, or run, as aforesaid, or that within One Year before he or she became Bankrupt, shall have lost the Sum of One hundred Pounds, by One or more Contracts for the Purchase, Sale, Refusal, or Delivery of any Stock of any Company or Corporation whatsoever, or any Parts or Shares of any Government or Publick Funds or Securities, where every such Contract was not to be performed within One Week; from the Time of the making such Contract, or where the Stock or other Thing so bought or sold was not actually transferred or delivered in pursuance of such Contract.

13. And be it further enacted by the Authority aforesaid, That if any Bankrupt, who shall have obtained his or her Certificate from the acting Commissioners, and such Certificate shall have been allowed and confirmed, as by this Act is directed, shall be taken in Execution, or detained in Prison, on account of any Debts due or owing before he or she became Bankrupt, by Reason that Judgement was obtained before such Certificate was allowed and confirmed, it shall and may be lawful for any One or more of the Judges of the Court wherein Judgement has been so obtained against such Bankrupt, on such Bankrupt's producing his or her Certificate allowed and confirmed, to order any Sheriff or Sheriffs, Bailiff or Officer, Gaoler, or Keeper of any Prison, who hath or shall have any such Bankrupt in his Custody by Virtue

Bankrupt imprisoned after Certificate allowed, how to be discharged.

*Act III.*

5. 2. 2. 30.

of any such Execution, to discharge such Bankrupt out of Custody on such Execution, without payment of any Fee or Reward; and such Sheriff or Sheriffs, Bailiff, Officer, Gaoler, or Keeper, is and are hereby required to discharge such Bankrupt out of Custody accordingly and is and are hereby indemnified from any Action for an Escape for his or their so doing.

Judges or Justices may grant Warrants to apprehend Bankrupts not conforming.

14. And be it further enacted by the Authority aforesaid That upon Certificate made under the Hands and Seals of the Commissioners, by such Commission authorized or to be authorized, or the major Part of them, that such Commission is issued, and such Person or Persons proved before them to become Bankrupt or Bankrupts, it shall and may be lawful to and for all or any of the Justices of His Majesty's Courts of King's Bench or Common Pleas, or Barons of the Court of Exchequer, and to and for all and every the Justices of the Peace within that Part of the Kingdom of Great Britain called *England*, the Dominion of *Wales*, and Town of *Berwick upon Tweed*, and they are hereby empowered and required, upon Application to them for that Purpose made, to grant his or their Warrant or Warrants under his or their Hands and Seals, for the taking and apprehending such Person or Persons, and him, her, or them to commit to the Common Gaol of the County where he, she, or they shall be so apprehended and taken there to remain until he, she, or they be removed by Order of the said Commissioners, or the major Part of them, by Warrant under their Hands and Seals; and the Gaoler or Keeper, to whose Custody such Person or Persons shall be committed, is hereby required to take and receive such Person or Persons into his Custody, and forthwith to give Notice to One or more of the said Commissioners in the said Commission named of such Person or Persons being in his or their Custody; to the Intent that the said Commissioners may send their Warrant to such Gaoler or Keeper (which they are hereby empowered and required forthwith to send) for the delivering such Bankrupt or Bankrupts to the Person or Persons named in such Warrant, who shall be thereby authorized to convey and bring such Person or Persons to the said Commissioners in Order to such Examination and Discovery, as aforesaid; and the said Commissioners are hereby likewise authorized and empowered, by such their Warrant, or any other Warrant, to take and seize any the Goods, Wares, Merchandise

Gaolers to give Notice to Commissioners.

5. G. 2. C. 30.

andizes, and Effects of such Bankrupt or Bankrupts the necessary Wearing Apparel of such Bankrupt or of his Wife, or Children, only excepted) and any of his, or their Books, Papers, or Writings, which shall be then in the Custody or Possession of such Bankrupt or Bankrupts, or of any other Person or Persons, in any Prison or Prisons whatsoever; any Custom or Usage to the contrary in any wise notwithstanding.

Goods or Books to be seized in Prisons.

15. Provided always, and be it enacted by the Authority aforesaid, That if any such Person or Persons, so apprehended and taken, shall within the Time or Times allowed by this Act for that Purpose, submit to be examined, and in all things conform, as if he, she, or they had surrendered, as by this Act such Bankrupt or Bankrupts is or are required, that then such Person, so submitting and conforming, shall have and receive the Benefit of this Act, to all Intents and Purposes, as if he, she, or they, had voluntarily come in and surrendered himself, herself, or themselves; any thing herein contained to the contrary thereof in any wise notwithstanding.

Bankrupts so apprehended, on Conformity to have Benefit of the Act.

16. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or the major Part of them, to examine as well by Word of Mouth, as on Interrogatories in Writing, all and every Person and Persons, against whom any Commission of Bankrupt is or shall be awarded, touching all Matters relating to the Trade, Dealings, Estate, and Effects of all and every such Bankrupt and Bankrupts, and also to examine in the Manner aforesaid all and every other Person duly summoned before, or present at, any Meeting of the said Commissioners, or the major Part of them, touching all Matters relating to the Person, Trade, Dealings, Estate, and Effects of all and every such Bankrupt and Bankrupts, and any Act or Acts of Bankruptcy committed by him, her, or them, and also to take down or reduce into Writing the Answers of verbal Examinations of every such Bankrupt, or other Person, had or taken before them as aforesaid; which Examination, taken down or reduced into Writing, the Party examined shall and is hereby required to sign and subscribe: And in case any such Bankrupt or Bankrupts, or other Person or Persons, shall refuse to answer, or shall not fully answer to the Satisfaction of the Commissioners, or the major Part of them, all lawful Questions put to him,

Persons not answering Interrogatories of Commissioners to be imprisoned,

him, her, or them, by the said Commissioners, or the major Part of them, as well by Word of Mouth, as by Interrogatories in Writing, or shall refuse to sign and subscribe his, her, or their Examination so taken down or reduced into Writing as aforesaid (not having reasonable Objection either to the wording thereof, or otherwise, to be allowed by the said Commissioners) shall and may be lawful to and for the said Commissioners, or the major Part of them, by Warrant under the Hands and Seals, to commit him, her, or them to such Prison, as the said Commissioners, or the major Part of them, shall think fit, there to remain without Bail Mainprize, until such Time as such Person or Persons shall submit him, her, or themselves to the said Commissioners, and full Answer make to the Satisfaction of the said Commissioners to all such Questions, as shall be put to him, her, or them, as aforesaid, and sign and subscribe such Examination as aforesaid, according to the true Intent and Meaning of this Act.

to be particularly specified in the Warrant.

17. Provided always, That in case any Person or Persons shall be committed by the said Commissioners refusing to answer, or not fully answering any Question or Questions put to him, her, or them, by the said Commissioners by Word of Mouth, or on Interrogatories, that the said Commissioners shall, in their Warrant of Commitment, specify such Question or Questions.

If *Habeas Corpus* be brought on such Commitment,

the Judge may recommit the Prisoner.

18. Provided also, That in case any Person or Persons committed by the Commissioners Warrant, by Virtue of this or any other Acts now in Force concerning Bankrupts, shall bring any *Habeas Corpus*, in order to be discharged from any such Commitment, and on the Return of any such *Habeas Corpus*, there shall appear any such Insufficiency whatsoever in the Form of the Warrant, whereby such Person was committed, the reason whereof the Party might be discharged of such Commitment; that then it shall and may be lawful for the Court or Judge, before whom such Party shall be brought by *Habeas Corpus*, as aforesaid, and such Court or Judge shall, and is hereby required, by Rule, Order, or Warrant, to commit such Person or Persons to the same Prison, there to remain as aforesaid, until he, she, or they shall conform as aforesaid, unless it shall be made appear to such Court or Judge, by the Party committed, that he, she, or they have fully answered a lawf



5. 2. 2. 0. 30.

ful Questions put to him, her, or them by the said Commissioners; or in case such Person was committed not signing his, her, or their Examination, unless shall appear to such Court or Judge, that the Party committed had a good and sufficient Reason for refusing to sign the same. And in case any Gaoler or Keeper of any Prison, to whom any such Bankrupt or Bankrupts, Person or Persons, shall be so committed, as aforesaid, shall wilfully suffer such Bankrupt or Bankrupts, Person or Persons, to escape from such Prison, or to go without the Walls or Doors of the said Prison; or shall he, she, or they shall be duly discharged, as aforesaid, such Gaoler or Keeper shall, for such his Offence, being duly convicted by Indictment or Information, forfeit Five Hundred Pounds of lawful Money of Great Britain, for the Use of the Creditors of such Bankrupt or Bankrupts.

19. And be it further enacted, That the Gaoler or Keeper of such Prison, as aforesaid, shall upon Request of any Person or Persons, being a Creditor or Creditors of such Bankrupt (and having proved his, her, or their Debt under the said Commission, and producing a Certificate thereof under the Hands of the said Commissioners, or the major Part of them, which such Commissioners are hereby required to give gratis) forthwith produce and shew such Person or Persons so committed, as aforesaid, to any such Creditor or Creditors requesting the same; and in case such Gaoler or Keeper of such Prison shall refuse to shew, or shall not forthwith produce such Person or Persons so committed, as aforesaid, and being in his actual Custody at the Time of such Request, to such Creditor or Creditors of such Bankrupt, requesting to see such Person or Persons, committed as aforesaid, such Gaoler and Keeper of such Prison shall forfeit, for such his wilful Refusal or Neglect, the Sum of One Hundred Pounds of lawful Money of Great Britain, for the Use of the Creditors of such Bankrupt or Bankrupts, to be recovered by Action of Debt in any of His Majesty's Courts of Record at Westminster, in the Name or Names of the Creditor or Creditors requesting such Sight of such Prisoner.

Penalty on  
Gaoler for  
Escape, 500*l*.

Penalty on  
Gaoler refus-  
ing to produce  
his Prisoner.

20. And be it further enacted by the Authority aforesaid, That all and every Person and Persons, who shall, at any Time after the Time allowed to such Bankrupt to surrender and conform, as aforesaid, voluntarily come and

Allowance to  
Persons mak-  
ing Discovery  
of Bankrupt  
Estate.

## Statutes at Large made against

<sup>5. 2. 1. 2. 3. 0.</sup>  
and make Discovery of any Part of such Bankrupt's Estate not before come to the Knowledge of the Assignee either to the said Assignees, or to the said Commissioners authorized as aforesaid, or the major Part of them, shall be allowed Five Pounds *per Centum*, and such further and other Reward, as the Assignees and the major Part of the Creditors in Value present at any Meeting of the Creditors shall think fit, to be paid out of the Proceed of such Bankrupt's Estate, which shall be covered on such Discovery: which shall be paid to the Person or Persons so discovering the same by the Assignee or Assignees of such Bankrupt's Estate; and Assignee or Assignees shall be allowed the same in the Accompts.

Penalty on  
Persons con-  
cealing Effects  
in Trust.

21. And for the better Discovery of the Estate of a Bankrupt, be it enacted by the Authority aforesaid, That all and every Person and Persons, who shall have accepted of any Trust or Trusts, and shall willfully conceal or protect any Estate, Real or Personal, any Person or Persons becoming Bankrupt, as aforesaid, from his, her, or their Creditors, and shall within Forty Two Days next after such Commission shall issue forth, and Notice thereof be given in *London Gazette*, discover and disclose such Trust and Estate in Writing, to One or more of the Commissioners or Assignees of such Bankrupt or Bankrupts Estate, and likewise submit him or herself to be examined by the Commissioners, in and by the said Commissioners authorized, or the major Part of them, if thereunto required, and truly discover the same, shall forfeit the Sum of One Hundred Pounds, of lawful Money of *Great Britain*, and double the Value of the Estate, whether Real or Personal, so concealed, to and for the Use and Benefit of the said Creditors, to be recovered by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, in the Name of the Assignee or Assignees of the said Commissioners; in which Case Full Costs shall be allowed to either Party.

*See ant. p. 96.* 22. And whereas by an Act made in the Seventh Year of His late Majesty's Reign, intituled, *An Act for the explaining and making more effectual the several Acts concerning Bankrupts*, Persons taking Bills, Bonds, Promissory Notes, or other Personal Security for their Money payable at a future Day, are enabled to prove their Debts under a Commission of Bankruptcy, but not

petition

or concerning Bankrupts.

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tion for or join in petitioning for any New Com-  
mission, which having been found to be inconvenient:  
it is hereby enacted by the Authority aforesaid,  
that so much of the said Act, as disables any such Per-  
son from petitioning for, or joining in any Petition for  
Commission against any Person or Persons, who have  
been committed any Act of Bankruptcy, is hereby re-  
pealed: And it shall and may be lawful hereafter for  
any Person to petition for, or join in petitioning for any  
Commission of Bankruptcy; any thing in the said  
Act contained to the contrary thereof in any wise not-  
withstanding.

**Persons hav-  
ing Bonds or  
Notes may  
join in peti-  
tioning for  
Commissions.**

And for preventing the taking out Commissions of Bankrupts maliciously, be it enacted by the Authority aforesaid, That no Commission of Bankrupt under the Great Seal of Great Britain, shall, after the Twenty-fifth Day of June, One thousand seven hundred and eighty-two, be awarded and issued out against any Person, whatsoever, upon the Petition of One or more Creditors, unless the single Debt of the Creditor, or of two or more Persons being Partners petitioning for the same, do amount to the Sum of One hundred Pounds, or upwards, or unless the Debt of Two Creditors, so petitioning as aforesaid, shall amount to One hundred and fifty Pounds, or upwards, or unless the Debt of Three or more Creditors, so petitioning as aforesaid shall amount to Two hundred Pounds, or upwards: And the Creditor or Creditors, petitioning for such Commission, shall, before the same shall be granted, make an Affidavit, or (being One of the People called Quakers) make a solemn Affirmation in Writing, before One of the Masters of the High Court of Chancery, to which Oath or Affirmation they are hereby impowered to administer, and which shall be filed with the proper Officer of the Truth and Reality of such his, her, and their respective Debt and Debts, likewise give Bond to the Lord Chancellor, Lord Keeper, or Commissioners of the Great Seal for the time being, in the Penalty of Two hundred Pounds, to be conditioned for proving the same, either, or their Debts, as well before the Commission named in such Commission, as upon a Trial at Law, and cause the due issuing forth of the same shall be contested and tried, and also for proving the Party a Bankrupt at the Time of taking out such Commission, and further to proceed on such Commission as herein after is mentioned:

### Conditions of granting Commissions.

Ant. 51. &  
Have the first  
provision as  
to petit. & crim.  
be clear ant.  
p2.

## Statutes at Large made against

tioned: And if such Debt or Debts shall not be due or owing, or if after such Commission taken out cannot be proved that the Party was a Bankrupt at Time of the issuing of the said Commission, but on contrary it shall appear, that such Commission was taken out fraudulently or maliciously, That then the Chancellor, Lord Keeper, or Commissioners of Great Seal for the time being, shall and may, upon petition of the Party or Parties grieved, examine into same, and order Satisfaction to be made to him, her, or them, for the Damages by him, her, or them, sustained; and for the better Recovery thereof, may, in case there be Occasion, assign such Bond or Bonds to the Party or Parties so petitioning, who may sue for the same in his, her, and their Name and Names; any Law, Custom or Usage, to the contrary notwithstanding.

Commissions fraudulently obtained to be superseded,

24. And whereas Commissions of Bankrupts are frequently taken out by Persons, who, by Means of such Commissions (on a Composition proposed by the Bankrupts) on Promise not to execute the same, prevail with and tort from the Bankrupts their whole Debts, or much greater Part thereof than such Bankrupts pay to their Creditors, or otherwise get from such Bankrupts Goods, or other Real or Personal Security, which is contrary to the true Intention and Meaning of the several Statutes made concerning Bankrupts, which said Statutes intend that all such Bankrupts Creditors shall be on an equal Foot, and not One preferred before another, or paid more than another in respect of his or her Debt; be it therefore enacted by the Authority aforesaid, That if any Bankrupt or Bankrupts shall, after the issuing of any Commission against him, her, or them, to the Person or Persons who sued out the same, or otherwise give or deliver to such Person or Persons Goods, or any other Satisfaction or Security for his, her, or their Debt, whereby such Person or Persons, suing out the Commission, shall privately have and receive more in Pounds, in respect of his, her, or their Debt, than the other Creditors, such Payment of Money, delivery of Goods, or giving greater or other Security or Satisfaction, shall be deemed and taken to be such an Act of Bankruptcy, whereby, on good Proof thereof, such Commission shall and may be superseded; and it shall be lawful for the Lord Chancellor, Lord Keeper, or Commissioners for the Custody of the Great Seal of Great Britain, for the time being, to award to any Creditor or Creditors petitioning and

and another granted.



5. 2. 2. 30

Commission; and such Person or Persons so taking or re- Penalty.  
 such Goods, or other Satisfaction, as aforesaid,  
 forfeit and lose as well his, her, or their whole  
 as the whole he, she, or they shall have taken or  
 and shall pay back and deliver up the same, or  
 Value thereof, to such Person or Persons as the  
 Commissioners, acting under such new Commission,  
 appoint, in trust for and to be divided amongst the  
 of the Bankrupts Creditors, in Proportion to their  
 Debts.

And be it further enacted by the Authority aforesaid,  
 the Creditors, or Creditor who shall petition for,  
 obtain any Commission of Bankrupt, shall be and  
 are hereby obliged, at his, her, or their own  
 and Expences, to sue forth and prosecute the  
 until an Assignee or Assignees shall be chosen of  
 Bankrupt's Estate and Effects; and the Commis-  
 sioners to be named in any such Commission shall, at the  
 Meeting which shall be appointed for the Choice of  
 Assignees, ascertain such Costs, and by Writing  
 in their Hands shall direct and order the Assignee or  
 Assignees of such Bankrupts Estate, who is and are  
 required to pay and reimburse such petitioning  
 Creditor or Creditors such his, her, or their Costs and  
 Expences as aforesaid, out of the First Monies or Effects  
 of the said Bankrupt, that shall be got in and received un-  
 der the said Commission; and every Creditor of the  
 Bankrupt shall be at liberty to prove his, her, or  
 Debt or Debts under the said Commission, with-  
 out paying any Contribution or Sum of Money what-  
 soever for or on account of such Debt or Debts; any  
 Act or Statute to the contrary notwithstanding.

The Charge of  
 Commissions  
 to be paid by  
 the Assignees.

*See post. 20th. 45.*

Creditors may  
 prove Debts  
 without paying  
 Contribution.

And be it further enacted by the Authority aforesaid, Notice of  
 where any Commission of Bankrupt shall issue out Meeting to be  
 and after the Twenty fourth Day of June, One given in the  
 thousand seven hundred and thirty two, the Commis- Gazette.  
 sioners therein named, or the major Part of them there-  
 authorized, shall forthwith, after they have declar-  
 ed the Person or Persons, against whom such Commis-  
 sion shall issue, a Bankrupt or Bankrupts, cause No-  
 tice thereof to be given in the *London Gazette*, and shall  
 appoint a Time and Place for the Creditors to meet;  
 such Meeting, for the City of *London*, and all Places  
 within the Bills of Mortality, shall be at the *Guildhall*  
 in the said City, in order to choose an Assignee or As-  
 signees

f. g. 2. c. 30.

Debts how to  
be proved.

signees of the said Bankrupt's Estate and Effects which Meeting the said Commissioners shall admit Proof of any Creditors Debt (that shall live from the Place of such Meeting of the Commissioners Affidavit, or, being of the People called Quakers, by solemn Affirmation, and also permit any Person duly authorized by Letter of Attorney from such Creditors, or Affirmation being made of the due Execution thereof either by an Affidavit sworn, or Affirmation made before a Master in Chancery, ordinary or extraordinary, or before the Commissioners, *viva voce* which Oath or affirmation they are hereby respectively authorized to administer) and in case of Creditors residing in Foreign Parts, such Affidavits or solemn Affirmations to be made before a Magistrate, where the Party shall be residing, shall, together with such Creditors Letters of Attorney be attested by a Notary Publick, to vote in the Choice of an Assignee or Assignees of such Bankrupt's Estate and Effects, in the Place and Stead of such Creditor; and the Commissioners, or the major Part of them authorized shall assign every such Bankrupt's Estate and Effects to such Person or Persons, as the major Part in Value of such Creditors, according to the several Debts proved, shall choose, as aforesaid; and the Assignee or Assignees, so chosen, shall be obliged to keep One more distinct Book or Books of Accompt, wherein or they shall duly enter all Sum and Sums of Money or other Effects, which he or they shall have got in, or received out of the said Bankrupt's Estate: to which Book or Books of Account every Creditor, who shall have proved his or her Debt, shall at all seasonable Times have free Resort, and inspect the same, as often as he or she shall think fit.

27. Provided always, and be it enacted by the Authority aforesaid, That no Creditor, or any other Person and on the Behalf of any Creditor, shall be permitted to vote in such Choice of Assignee or Assignees, whose Debt or the Debt of the Person or Persons so authorizing to vote, shall not amount to the Sum of Ten Pounds upwards.

28. And be it further enacted by the Authority aforesaid, That where it shall appear to the said Commissioners or the major Part of them, that there hath been mutual Credit given by the Bankrupt, and any other Person mutual Debts between the Bankrupt and any other

The language here as to oath and affirmat<sup>n</sup> before a master in chancery is unknown. I think he is mistaken in his choice of Assignees. The Comm<sup>rs</sup> to assign to the assignees.

It is observable that the duty of assignees in selling the property real & personal into money, in order to divide amongst the creditors is not expressed. What Persons not qualified to choose. but left to implication.

Mutual Credit  
how to be  
settled.

# or concerning Bankrupts.

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5. G. 2. c. 30.

At any Time before such Person became Bankrupt, said Commissioners, or the major Part of them, or Assignees of such Bankrupt's Estate, shall state the account between them, and One Debt may be set against other; and what shall appear to be due on either Side, the Balance of such Account, and on setting such against one another, and no more, shall be claimed or paid on either Side respectively.

And whereas many Abuses have been committed by pretended Creditors of Bankrupts; be it enacted by the Authority aforesaid, That if any Person at any Time after shall, before the acting Commissioners in any Commission of Bankrupt, or by Affidavit or Affirmation sworn to them, swear or depose, or, being of the Order called Quakers, affirm that any Sum of Money is due to him or her from any Bankrupt or Bankrupts, which Sum of Money is not really due or owing, he shall swear or affirm, that more is due, than is really due or owing, knowing the same to be due or owing, and that such Oath or Affirmation is false and untrue, and being thereof convicted by Indictment or Information, such Person shall suffer the Pains and Penalties inflicted by the several Statutes made and in Force against wilful Perjury, and shall moreover be liable to pay double the Sum so sworn or affirmed to be due or owing, as aforesaid, to be recovered and levied together Penalties and Forfeitures are upon penalties after Conviction to be levied and recovered; such double Sum shall be equally divided among the Creditors seeking Relief under the said Commis-

Penalty on Debts falsely claimed.

Provided always, and be it further enacted, That it may be lawful for the said Commissioners, authorized as aforesaid, or the major Part of them, as often as they shall see Cause, for the better preserving and settling the Bankrupt's Estate, immediately to appoint one or more Assignee or Assignees of the Estate and Effects, or any Part thereof; which Assignee or Assignees, any of them, shall or may be removed or displaced at the Meeting of the Creditors, so to be appointed, as aforesaid, for the Choice of Assignees, if they or the major Part of them (whose Debts respectively amount to Ten Pounds or upwards, as aforesaid) then present, and of such Persons duly authorized, as aforesaid, shall think fit; such Assignee or Assignees, as shall be so removed and displaced,

Commissioners shall 50. may choose 404. Assignees.

*This is the clause under which Commrs make what is called a provisional assignee. There are several provisions in the Act. The necessity of such assignment will appear from the case of Brassey & Co. v. Dawson, 12 B.R. 7. & O.G. 2. B.R. in Rep. B.R. temp. Hardw. 65. & 2. Stora. 970. Some-*

*time also it is made to enable continuing the bankrupt's shop &c. to prevent loss to the creditors from the discontinuance of it.*

5. G. 2. c. 30.

displaced, shall deliver up and assign all the Estate Effects of such Bankrupt, which shall have come to or their Hands or Possession, or which shall have been assigned by the said Commissioners, as aforesaid, unto other Assignee or Assignees, who shall be chosen by the Creditors, as aforesaid; and all the Estate and Effects of the Bankrupt, which shall be delivered up or assigned shall be to all Intents and Purposes as effectually and legally vested in such New Assignee or Assignees, as if the first Assignment had been made to him or them by the said Commissioners; and if such First Assignee or Assignees shall refuse or neglect, by the Space of Ten Days next after Notice given of the said Choice of such Assignee or Assignees, and of his and their Consent to accept such Assignment, signified to the First Assignee or Assignees, by Writing under his or their Hand or Hands, to make such Assignment and Delivery, as aforesaid, by such First Assignee or Assignees shall respectively pay the Sum of Two hundred Pounds, to be divided and distributed amongst the Creditors, towards Satisfaction of their Debts, in such Manner as the Estate of the Bankrupt is or ought to be divided and distributed, and recovered by Action of Debt, Bill, Complaint, or Information, in any of His Majesty's Courts of Record at Westminster, by such Person or Persons, as such majority of the Commissioners, authorized as aforesaid, shall appoint to sue for the same, with Full Costs of Suit, without any Privilege, Protection, or Wager in Law, or other than One Imparance shall be allowed; any Law, Custom, or Usage to the contrary notwithstanding.

Penalty on  
First Assignees  
not delivering  
up the Effects  
to the New  
Ones.

Notice of such  
Removal to be  
given in the  
Gazette.

31. And whereas it may be found necessary, That all Assignments of Bankrupts Estates already made by the said Commissioners, as Assignments hereafter to be made, pursuant to the Choice of Creditors, should be void, and a New Assignment or Assignments be made of the Debts and Effects unreceived and not disposed of by the then Assignees to other Persons to be chosen by the Creditors, as aforesaid; be it therefore enacted and declared by the Authority aforesaid, That it shall and may be lawful for the Lord Chancellor, Lord Keeper, or Commissioners for the Custody of the Great Seal of Great Britain, for the time being, upon Petition of any Creditor, to make such Order therein as he or they shall think just and reasonable; and in case a New Assignment shall be made to be made, as aforesaid, that then such Debts



*S. G. L. 1. 30.*

and Estate of such Bankrupts shall be thereby actually and legally vested in such New Assignee or Assignees; and it shall and may be lawful for him and them to sue for the same in his or their Name or Names, and to discharge any Action or Suit, or to give Acquittance for such Debts, as effectually, to all Intents and Purposes, as the Assignee or Assignees in the former Assignment might have done, in case no New Assignment had been made; any thing herein, or in any former Act, contained or made to the contrary in anywise notwithstanding; and that the said Commissioners shall cause Publick Notice to be given in the Two *London Gazettes* that shall immediately follow the Removal of such Assignee or Assignees, and the Appointment of another Assignee or Assignees, as aforesaid, that such Assignee or Assignees is or are removed, and such other Assignee or Assignees appointed in his or their stead, and that such Persons as are indebted to the said Bankrupt's Estate do not pay such Debt or Debts to the Assignee or Assignees as shall be removed, as aforesaid.

And whereas by Reason of Monies which are lodged in the Hands of Assignees until a Dividend is made, Assignees do oftentimes delay the dividing thereof, to the very great Prejudice of the Bankrupt's Creditors; For preventing whereof, and to the End Assignees may make speedy Dividends of the Estate and Effects of such Bankrupts, be it enacted by the Authority aforesaid, That before the Creditors shall proceed to the Choice of an Assignee or Assignees of any Bankrupt's Estate, the major Part in Value of the said Bankrupt's Creditors then present shall, if they think fit, direct in what Manner, how, and with whom, and where, the Monies arising by, and to be received from time to time out of the Bankrupt's Estate, shall be paid in and remain, until the same shall be divided amongst all the Creditors, as by this Act is directed; to which Rule and Direction every such Assignee and Assignees, afterwards to be chosen, shall conform, as often as One hundred Pounds shall be got in and received from such Bankrupt's Estate, and shall be and be hereby indemnified for what they shall do in pursuance of such Direction of the said Creditors, as aforesaid.

33. And be it further enacted by the Authority aforesaid, that every Person or Persons chosen, or who shall be chosen

Creditors, before choosing Assignees, to fix where the Money shall remain.

Method of  
making Divi-  
dends.

*Assignees, some  
time after 4 months  
& within 12 from  
issuing of the Commis-  
sioners to cause 21 days  
notice in the London  
Gazette of assignees  
going to make Divi-  
dend.*

*Note no pro-  
vision for  
case of assignee  
refusing to be  
examined, or  
to attend, or  
to make full  
disclosure.*

*F. 4. 2. 1. 30.*  
chosen Assignee or Assignees of the Estate and Eff  
of such Bankrupt, shall, at some Time after the  
piration of Four Months, and within Twelve Mo  
from the Time of issuing of such Commission, cau  
least Twenty one Days publick Notice to be given in  
London Gazette, of the Time and Place the Com  
missioners and Assignees intend to meet, to make a  
dividend or Distribution of such Bankrupt's Estate  
Effects; at which Time the Creditors, who have not  
fore proved their Debts, shall then be at libert  
prove the same; which Meeting for the City of Lon  
and all Places within the Bills of Mortality, shall be  
the Guild-hall of the said City; and upon every  
Meeting the Assignee or Assignees shall produce to  
said Commissioners and Creditors then present, fair  
just Accompts of all his and their Receipts and Paym  
touching the said Bankrupt's Estate and Effects, an  
what shall remain outstanding, and the Particulars th  
of; and shall, if the Creditors then present, or the m  
Part of them, require the same, be examined upon O  
or, being of the People called Quakers, upon solemn  
firmation, before the said Commissioners, or the m  
Part of them, touching the Truth of such Accompts;  
in such Accompts the said Assignee or Assignees shall  
allowed and retain all such Sum and Sums of Money  
they shall have paid and expended in suing out and pr  
cuting of such Commission, and all other just Allowanc  
on account of and by Reason or Means of their being  
signee or Assignees; and the said Commissioners, or  
major Part of them, shall order such Part of the neat P  
duce of the said Bankrupt's Estate, as by such Accompt  
otherwise shall appear to be in the Hands of the said  
signees, as they or the major Part of them shall thi  
fit, to be forthwith divided amongst such of the Bankru  
Creditors, who have duly proved their Debts under s  
Commission, in proportion to their severall and respect  
Debts; and the Commissioners, or the major Part of the  
shall make such their Order for a Dividend in Writ  
under their Hands, and shall cause One Part of such Or  
to be filed amongst the Proceedings under the said Co  
mission, and shall deliver unto each of the Assignee  
Assignees, under such Commission, a Duplicate of s  
their Order likewise under the Hands of the said Co  
missioners; which Order of Distribution shall contain  
an Account of the Time and Place of making such

5. 2. 2. 30.  
and the Sum Total or *Quantum* of all the Debts  
under the said Commission; and the Sum Total  
the Money remaining in the Hands of the Assignee  
Assignees to be divided, and how much in particular  
the Pound is then ordered to be paid to every Creditor  
the said Commission; and the said Assignee or As-  
signees, in pursuance of such Order, and without any  
Order or Deeds of Distribution to be made for that Purpose,  
forthwith make such Dividend and Distribution ac-  
cordingly, and shall take Receipts, in a Book to be kept  
that Purpose, from each Creditor, for the Part or  
of such Dividend or Distribution, which he or they  
make and pay to each Creditor respectively; and  
Order and Receipt shall be a full and effectual Dis-  
charge to such Assignee, for so much as he shall fairly  
pursuant to such Order as aforesaid.

Assignees, with  
Consent of  
Creditors, may  
submit Dis-  
putes to Arbi-  
tration.

And whereas Assignees are and may sometimes be  
prevented from making such speedy Dividends of the  
Estate and Effects of Bankrupts, as by this Act is  
enacted, by Reason of Debts due, or pretended and  
due to be due from such Bankrupts, upon long  
intricate Accounts or Demands, which are disputed,  
not admitted by the Commissioners and Creditors  
of the just and fair Debts, and such Claimants are  
thereby obliged to ascertain such their Demands by  
Petitions or Suits in Law or Equity, which are often-  
times many Years depending, and many other Dif-  
ferences and Difficulties do arise under Commissions of  
Bankrupts, which might be determined by Arbitration,  
Assignees had Power to submit the same; be it  
therefore enacted by the Authority aforesaid, That it  
shall and may be lawful to and for the Assignee or  
Assignees of any Bankrupt's Estate and Effects, by  
the Consent of the major Part in Value of  
the Bankrupt's Creditors, who shall have duly proved  
their Debts under such Commission, and who shall be  
present at any Meeting of the said Creditors, pursuant  
Notice to be for that Purpose given in the *London*  
*Gazette*, to submit any Difference or Dispute between  
the Assignee or Assignees, and any Person or Per-  
sons whatsoever, for or on Account, or by Reason or  
Cause of any Matter, Cause or Thing whatsoever,  
relating to such Bankrupt or Bankrupts, his, her, or  
their Estate or Effects, to the final End and Deter-  
mination of Arbitrators to be chosen by the said As-  
signee

*F. G. 2. c. 30.*  
 Assignee or Assignees, and the major Part in Value of such Creditors, and the Party or Parties with whom they shall have such Difference, and to perform the Award of such Arbitrators, or otherwise to compose and agree the Matters in difference and dispute between them, in such Manner as the said Assignee or Assignees, with such Consent as aforesaid, shall think fit, and can agree, and the same shall be binding on all the Creditors of the said Bankrupt or Bankrupts, and the Assignees are hereby indemnified for what they shall fairly do according to the Direction aforesaid.

Assignees, with  
 Consent of  
 Creditors, may  
 compound  
 Debts.

35. And be it further also enacted by the Authority aforesaid, That any Assignee or Assignees, made or chosen as aforesaid, shall be, and is, and are hereby imposed, by and with the Consent of the major Part of the Bankrupt's Creditors in Value, who shall be present at a Meeting to be had for that Purpose, of which public Notice shall be given in the *London Gazette*, to make Composition with any Person or Persons, Debtors or Accomptants to such Bankrupts, where the same shall appear necessary and reasonable, and to take such reasonable Part, as can upon such Composition be gotten, in full Discharge of such Debts and Accounts, by any Law, Custom, or Usage to the contrary notwithstanding.

Bankrupts, after Allowance of Certificate, to attend Assignees in settling Accounts.

36. Provided always, and be it enacted by the Authority aforesaid, That after such Bankrupt or Bankrupts shall have obtained his, her, or their Certificate, and the same shall be duly confirmed, as herein is mentioned, every such Bankrupt or Bankrupts shall, and is, and are hereby obliged to give his, her, or their Attendance, upon every reasonable Notice in Writing, to be given to him, her, or them, or to be left at his, her, or their usual Place of Abode by the Assignee or Assignees, or their Order, thereby requiring him, her, or them, to attend the Assignee or Assignees of such Bankrupt's Estate, in order to make adjustment, or settle any Account or Accounts between such Bankrupt or Bankrupts, and any Debtor to, or Creditor of such Bankrupt's Estate, or to attend any Court or Court of Record, in order to be examined touching the same for such other Business which such Assignee or Assignees shall judge necessary for getting in the said Bankrupt's Estate and Effects, for the Benefit of his, her, or their Creditors; for which said Attendance the Bankrupt shall be allowed and paid the Sum of Two Shillings and

Allowance for  
 Attendance.



# or concerning Bankrupts.

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5. 4. 2. c. 30.

ence *per Diem*, by such Assignee or Assignees, out of the Bankrupt's Estate; and in case such Bankrupt or Bankrupts shall neglect or refuse to attend, or on such Attendance shall refuse to assist in such Discovery (without good and sufficient Cause to be shewn to the Commissioners, or the major Part of them, for such his, her, or their Neglect or Refusal, to be by them allowed as sufficient) such Assignee or Assignees, making due Proof thereof upon Oath, or, being of the People called *Quakers*, upon solemn Affirmation, before the said Commissioners, authorized as aforesaid, or the major Part of them; the said Commissioners, or the major Part of them, are hereby empowered and required to issue a Warrant or Warrants, directed to such Person or Persons as they shall think proper for apprehending such Bankrupt or Bankrupts, and him, her, or them to commit to the County Gaol, there to remain in close Custody without Bail or Mainprize, until he, she, or they shall duly conform to the Satisfaction of the said Commissioners, authorized as aforesaid, and be by the said Commissioners, or the special Order of the Lord Chancellor, Lord Keeper, or Commissioners in the Custody of the Great Seal of *Great Britain*, for the time being, or otherwise by due Course of Law discharged; and such Gaoler or Keeper of such Prison, to which such Bankrupt or Bankrupts shall be committed, shall hereby required to keep such Person or Persons in close Custody within the Walls of the said Prison, until he, she, or they be duly discharged, as aforesaid, under the Pains and Penalties before mentioned for such Gaoler or Keeper suffering such Prisoners, committed pursuant to this Act, to escape and go at large.

Imprisonment on Non-attendance.

17. And be it further enacted by the Authority aforesaid, That within Eighteen Months next after the issuance of any such Commission as aforesaid, the Assignee or Assignees shall make a Second Dividend of the Bankrupt's Estate and Effects, in case the same was not wholly divided upon the first Dividend, and shall cause Notice to be inserted in the *London Gazette*, of the time and Place the said Commissioners intend to meet to make a Second Dividend and Distribution of such Bankrupt's Estate or Effects, and for the Creditors, who shall not before have proved their Debts, to come and prove the same; and at such Meeting such Assignee or Assignees shall produce upon

Final Dividend within 18 Months.

5. 4. 2. 1. 30.

## Exceptions.

Oath or Affirmation, as aforesaid, his, her, or their Account or Accounts of the Bankrupt's Estate and Effects, and what upon the Balance thereof shall appear to be in his, her, or their Hands, shall, by the like Order of the Commissioners, or the major Part of them, be forthwith divided among such of the Bankrupt's Creditors, who shall have made due Proof of their Debts, in proportion to their several and respective Debts; which Second Dividend shall be final, unless any Suit at Law or in Equity shall be depending, or any Part of the Estate standing out, that cannot have been disposed of, or that the major Part of the Creditors shall not have agreed to be sold and disposed of in Manner aforesaid, or unless some other or future Estate or Effects of the said Bankrupt shall afterwards come to, or vest in, the said Assignee or Assignees, in which Case the said Assignee or Assignees shall as soon as may be, convert such future or other Estate and Effects into Money in Manner aforesaid, and shall within Two Months next after the same shall be converted into Money, as aforesaid, by the like Order of the Commissioners, or the major Part of them, divide the same amongst such Bankrupt's Creditors, who shall have made due Proof of their Debts under such Commission.

No Suit in Equity to be commenced without Consent of Creditors.

38 Provided always, That no Suit in Equity shall be commenced by any Assignee or Assignees, without the Consent of the major Part in Value of the Creditors of such Bankrupt, who shall be present at a Meeting of the Creditors, pursuant to Notice to be given in the *London Gazette* for that Purpose.

Bankers, Brokers, and Factors, liable to Statutes.

39. And whereas Persons dealing as Bankers, Brokers, and Factors, are frequently intrusted with great Sums of Money, and with Goods and Effects of very great Value belonging to other Persons; it is hereby further enacted, That such Bankers, Brokers, and Factors, shall be and are hereby declared to be subject and liable to this and other the Statutes made concerning Bankrupts.

Persons not liable.

40. Provided always, and it is hereby further declared and enacted by the Authority aforesaid, That no Farmer, Grazier, or Drover of Cattle, or any Person or Persons who is or are, or shall be Receiver General of the Taxes granted by Act of Parliament, shall be intitled as such to any of the Benefits given by this Act, or be deemed a Bankrupt

# or concerning Bankrupts.

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Bankrupt within the same, or within any of the Statutes now in Force concerning Bankrupts; any Law, Custom, or Usage, to the contrary notwithstanding.

41. And whereas Commissions of Bankrupts, and the Depositions taken before the Commissioners of Bankrupts, and the Proceedings upon such Commissions, are most commonly kept by such Persons, as act as Clerks or Secretaries to such Commissioners, and by Reason of the Death of such Clerks or Secretaries are many Times lost and mislaid, by Means whereof such Persons as have or may purchase any Messuages, Lands, Tenements, or Hereditaments, under any Commission grounded upon the Statutes made concerning Bankrupts, may be disabled to make out their Right and Title to the same; and there being no certain Place where the Creditors of any Bankrupt, or any Person or Persons claiming any Estate or Interest in any Messuages, Lands, Tenements, or Hereditaments, by or under any such Commission, as aforesaid, can have Recourse to such Commission, and the Proceedings thereupon; and such Commissions, Depositions, and Proceedings, in case they can be produced, are not at present of Record, nor can be given in Evidence, which may be of very evil Consequence to such Purchasers, or Persons claiming as aforesaid; be it therefore further enacted by the Authority aforesaid, That upon the Petition of any Person or Persons to the Lord Chancellor, Lord Keeper, or Commissioners for the Custody of the Great Seal of Great Britain, praying that such Commissions and the Depositions taken thereon; or any Part of such Depositions, and such Certificates so to be allowed and confirmed, as aforesaid, or any Certificates heretofore allowed and confirmed, or any other Matters or Things relating to the said Commissions, or the Proceedings thereupon, may be entered of Record; the Lord High Chancellor, Lord Keeper, or Commissioners of the Great Seal, shall any may direct and order such Commissions, Depositions, Proceedings, and Certificates, or other Matters or Things, to be entered of Record; and in case of the Death of the Witnesses proving such Bankruptcy, or in case the said Commissions, Depositions, Proceedings, or other Matters or Things, shall be lost or mislaid, a true Copy of the Record of such Commissions, Depositions, and Proceedings, or other Matters or Things, signed and attested as herein after is mentioned, shall and may, upon all Occasions, be given in Evidence, to prove such Commissions, and the

Proceedings to be entered on Record,

See 15. Ver. Jun. 293.

by Direction of the Lord Chancellor.

K 3

Bankruptcy

Not a  
promise in  
made for this  
purpose in the  
subseq. p.

## Statutes at Large made against

*5. 6. 2. 1. 30.*  
 Bankruptcy of such Person against whom such Commission hath been or shall be awarded, or other Matters or Things; any Law, Usage, or Custom, to the contrary notwithstanding: And all Certificates which have been allowed and confirmed, or to be allowed and confirmed and entered of Record as aforesaid, or a true Copy of every Certificate, signed and attested as herein after is mentioned shall and may be given in Evidence in any of His Majesty's Courts of Record, and be, without any further Process deemed, adjudged, and taken, to be a full and effectual Bar and Discharge of and against any Action or Suit which shall be commenced or brought by any Creditor or Creditors of such Bankrupt, for any Debt or Demand contracted; due, or demandable, before the issuing of such Commission, unless any Creditor or Creditors of the Person that hath such Certificate, shall prove that such Certificate was fraudulently obtained; in which Case Costs shall be allowed to either Party, as in other common Cases. And to the End any Creditor or other Person or Persons may know where to search, and see whether such Commission hath issued, and find what Depositions have been taken by Virtue thereof, and what Proceedings have been thereupon, and whether the said Bankrupt hath made such Affidavit or Affirmation, as aforesaid, and whether such Certificates are entered of Record, as aforesaid, and all other Matters or Things which shall be entered of Record in pursuance of this Act, the Lord High Chancellor, Lord Keeper, or Commissioners for the Custody of the Great Seal, shall appoint a certain proper Place near the Inns of Court, where all and every the Matters aforesaid shall be entered of Record, where all Persons shall be at liberty to search and see if the same are duly entered of Record; and the Lord Chancellor, Lord Keeper, or Commissioners shall, by a Writing under his or their Hands, appoint a proper Person, who shall, by himself, or his sufficient Deputy, to be approved by the Lord High Chancellor, Lord Keeper, or Commissioners, by a Writing under his or their Hands, enter of Record such Commissions, Depositions, Proceedings, and Certificates, and other Matters and Things, and have the Custody of the Entries thereof; and also appoint such Fee and Reward to be paid to such Person for his Labour and Pains therein; as the Lord High Chancellor, Lord Keeper, or Commissioners, shall think reasonable, not exceeding what is usually paid in the like Cases; and that the Person so to be

Liberty to  
 search.



5. 4. 2. 6. 30.

appointed, and his Deputy, shall continue to enter Record, all and every the Matters and Things aforesaid, and to have the Custody of the same, so long as he or they shall respectively behave themselves well in entering the same of Record, and keeping such Entries, and shall not be removed but by Order in Writing under the Hand of the Lord High Chancellor, Lord Keeper, or Commissioners, on a good and sufficient Cause therein specified; and in case such Person shall die, or be, aforesaid, removed, the Lord High Chancellor, Lord Keeper, or Commissioners for the time being, shall and may, in Writing under his or their Hands, appoint another Person to enter the same of Record, who shall have the Custody of the Entries thereof, and shall have and receive the like Fee and Reward for his Labour and Pains therein.

And whereas the suing out and prosecuting of Commissions of Bankrupt is at present very expensive, to the great Prejudice of the Bankrupt and his Creditors; it is further enacted by the Authority aforesaid, That no Person shall be paid or allowed by the Creditors, or out of the Estate of the Bankrupt, any Monies whatsoever for Expences in eating and drinking of the Commissioners, or of any other Persons, at the Times of Meetings of the said Commissioners, or any of the Creditors: And that no Schedule shall be annexed to any Act of Assignment of the Personal Estate of such Bankrupt from the Commissioners to the Assignee or Assignees of the said Estate; and if any Commissioner or Commissioners in any Commission, shall order any such Expence to be made, or eat or drink at any such Meeting, at the Charge of the Creditors, or out of the Estate of such Bankrupt, or receive or take above the Sum of Twenty Shillings each Commissioner for each respective Meeting, every such Commissioner, so offending, shall be disabled for ever to act as a Commissioner in such or any other Commission founded on this Act, or any of the Statutes made concerning Bankrupts.

Provided always, and be it further enacted by the Authority aforesaid, That the said Commissioners, authorized as aforesaid, and every of them, shall not be capable of acting as a Commissioner or Commissioners, in the execution of any of the Powers and Authorities given and granted by this present Act, or any other Act or Acts of Parliament now in Force concerning Bankrupts, after the

Clause to prevent unnecessary Expences.

*Before this provision the fees of commissioners depended on 5. 4. 1. 13. See ante 77.*

*The allowance is here more limited. It is not for receiving a deed, nor for warrant of execution or seizure, as mentioned.*

*However it is allowed for the common receiver 20. s. on executing a deed. But it seems to be in respect of the meeting held for the purpose.*

*5. G. 2. c. 1. 30.*  
 Twenty fourth Day of *June*, One thousand seven hundred and thirty two (unless it be the Power hereby given of administering Oaths to Commissioners) until Time as he and they respectively shall have taken an Oath to the Effect following; that is to say,

Commissioners Oath.

*I* A. B. do swear, That I will faithfully, impartially, honestly, according to the best of my Skill and Knowledge, execute the several Powers and Trusts reposed in me as a Commissioner in a Commission of Bankrupt age and without Favour or Affection, Prejudice or Malice.

So help me God

A Memorial thereof to be registered.

Which Oath any Two or more of the said Commissioners are hereby impowered and required to administer to each other in the same Commission named and authorized; and they the said Commissioners shall and hereby required to enter and keep a Memorial or Memorials thereof, signed by them respectively, among Depositions and other Proceedings on each respective Commission that shall be issued forth by Virtue of this Act, or any other Act or Acts of Parliament now in Force concerning Bankrupts.

Commissions not to abate by the Death of His Majesty, &c.

44. And be it further enacted by the Authority aforesaid, That no Commission of Bankrupt shall abate by Reason of the Death of His present Majesty (whom God long preserve) His Heirs or Successors, but such Commissions shall continue in full Force; and if it shall be necessary to renew any such Commission by Reason of the Death of the Commissioners named in such Commission, so that a sufficient Number of Commissioners shall not be living who can act therein, or for any other Cause, in every such Case such Commission shall be renewed, and but half of the Fees usually paid upon granting or obtaining of Commissions of Bankrupt shall be paid for any such renewed Commissions.

Bills of Fees, &c. to be settled by a Master in Chancery. *See*

*ant. 3. 25.*

45. And to the End that Commissions of Bankrupt may be carried on and prosecuted with as little Expence as reasonably may be, be it enacted by the Authority aforesaid, That all Bills of Fees or Disbursements claimed or demanded by any Solicitor, Clerk, or Attorney employed under any Commission of Bankrupt, shall be

or concerning Bankrupts.

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5. G. 2. c. 30.

adjusted, and certified by One of the Masters of the Court of Chancery; and so much as the Master shall certify to be due to such Clerk, Solicitor, or Attorney, and no more, shall be paid by the Assignee under such Commission; and the Master, who shall settle and adjust such Bill, shall have and receive for his Care in settling and adjusting the same, as also for his Certificate thereof, the Sum of Twenty Shillings, and no more.

46. And whereas several Bankrupts have either through inadvertency, or the Intricacy and Multiplicity of their Affairs, failed to obtain, within the Time limited, Certificates allowed as directed by a Clause in an Act passed in the Third Year of the Reign of His present Majesty (amongst other Things) for Relief of Bankrupts whose Certificates were not allowed before the Expiration of a Year after the Act for the better preventing Frauds committed by Bankrupts, now expired, notwithstanding they have discovered all their Estate and Effects, and delivered the same up for the Benefit of their Creditors, and been conformable unto the said Act in other Particulars; be it therefore further enacted by the Authority aforesaid, That from and every Bankrupt and Bankrupts who was or were declared a Bankrupt or Bankrupts, on or before the fourteenth Day of May, One thousand seven hundred and twenty nine, and have discovered all their Estate and Effects, and have delivered up the same for the Benefit of their Creditors, shall be entitled to all and singular the Relief, Benefit, and Advantages, and be subject and liable to all the Penalties mentioned or contained in the Act of Parliament passed in the Fifth Year of the reign of His late Majesty King George the First, intituled, *An Act for the better preventing Frauds committed by Bankrupts*, if they already have obtained, or shall hereafter at any Time before the Twenty fifth Day of March, One thousand seven hundred and thirty three, obtain Certificates of their Conformity pursuant to the said Act; and such Certificates shall be allowed and confirmed as the said Act directs; any thing herein contained to the contrary notwithstanding.

47. And whereas Actions may have been brought against such Bankrupts, and other Proceedings had thereon for Causes and Matters arising and growing due before the Time of the Bankruptcy of such Bankrupts, be it further enacted by the Authority aforesaid, That all such Actions, and all Proceedings thereon for any such Causes or Mat-

Certificates of Bankrupts before 14 May, 1729, on Conformity, confirmed;

and Proceedings against them discharged,

ters,

Duration of  
this Act.

5. 2. 2. 4. 3. 0.  
ters, shall be and are hereby discharged against su  
Bankrupts and their Bail, so obtaining such Certifica  
allowed as aforesaid.

48. And be it further enacted by the Authority afor  
said, That this Act shall continue and be in Force  
the Space of Three Years, from the Twenty fourth D  
of June, One thousand seven hundred and thirty tw  
and from thence to the End of the then next Session  
Parliament, and no longer.

Continued by 24 Geo. II. c. 57. §. 8. to 1 Sept. 175

St. directed for continuing it to 16. 9. 3. 6. 54.  
which was for 5 years longer.

1721. 4. 3. 1. 39. continued to 11 29

Sept. 17 25. & from thence to the end  
of the then next session.

## Anno 9 Georgii II. Cap. 18.

An Act for reviving and continuing the  
Acts therein mentioned, and for ex  
plaining and amending a Clause in a  
Act made in the First Year of the Reig  
of His late Majesty King George the  
First, intituled, *An Act for making the  
Laws for repairing the Highways more  
effectual*, relating to the appointing Scav  
engers in Cities and Market Towns  
and the ordering the Assessments for the  
repairing and cleansing the Streets there  
in.

The Bankrupts  
Act 5 Geo. II.  
further conti-  
nued till 22  
Sept. 1743.

SECT. 2. **A**ND be it further enacted by the Authori  
aforesaid, That the above mentioned Act  
made in the Fifth Year of His Majesty's Reign, shall  
and is hereby continued, and shall be in Force, from  
the Time therein limited for the Expiration thereof  
until the Twenty ninth Day of September, which shal  
be in the Year of our Lord One thousand seven hundre  
and forty three, and from thence to the End of the the  
next Session of Parliament, and no longer.

b

An



Anno 16 Georgii II. Cap. 27.

Act to continue an Act made in the Fifth Year of the Reign of His present Majesty, intituled, *An Act to prevent the committing of Frauds by Bankrupts.*

Whereas an Act made in the Fifth Year of the Reign of His present Majesty, (intituled, *An Act to prevent the committing of Frauds by Bankrupts*) which to continue in Force for Three Years, from the twenty fourth Day of June, One thousand seven hundred and thirty two, and from thence to the End of the next Session of Parliament; and which by another Act made in the Ninth Year of the Reign of His present Majesty, (intituled, *An Act for reviving and continuing the Acts therein mentioned*) and for explaining and adding a Clause in an Act made in the Fifth Year of the reign of His late Majesty King George, intituled, *An Act for the Laws for repairing the Highways more effectual, and to the appointing Scavengers in Cities and Market towns; and the ordering the Assessments for the repairing and cleansing the Streets therein*) was further continued, till the Twenty ninth Day of September, One thousand seven hundred and forty three, and from thence to the End of the then next Session of Parliament, hath been found useful and beneficial, and is now near expiring; May it therefore please Your most Excellent Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Act first herein before mentioned Act, shall be, and is hereby further continued, from the Expiration thereof, till the Twenty ninth Day of September, in the Year of our Lord One thousand seven hundred and fifty, from thence until the End of the then next Session of Parliament.

Preamble, re-citing the Acts 5 Geo. II.

9 Geo. II.

1 Geo. I.

Act 5 Geo. II. continued till Sept. 29, 1750.

Anno

## Anno 19 Georgii II. Cap. 32

## An Act for amending the Laws relating to Bankrupts.

Preamble.

*Sect. 1.* **W**HEREAS many Persons within the Nation of, and liable to the Statutes concerning Bankrupts, frequently commit secret Acts of Bankruptcy unknown to their Creditors and other Persons, with whom in the Course of Trade; they Dealings and Transactions; and after the commission thereof, continue to appear publickly, and carry on Trade and Dealings, by buying and selling of Goods and Merchandizes, drawing, accepting, and negotiating Bills of Exchange, and paying and receiving Money on Account thereof, in the usual Way of Trade and in the same open and publick Manner as if they were solvent Persons, and had not become Bankrupt; And whereas the permitting such secret Acts of Bankruptcy to avoid and defeat Payments, really and *bona fide* made in the Cases, and under the Circumstances above-mentioned, where the Persons receiving the Money had not Notice of, or were privy to such Persons committing any Act of Bankruptcy, will be a Discouragement to Trade and Commerce, and a Prejudice to Credit in general: Be it therefore enacted by King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty ninth Day of *October*, in the Year of our said Majesty the first of *October*, in the Year of our said Majesty the first of *October*, One thousand seven hundred and forty six, no Person who is or shall be really and *bona fide* a Creditor of a Bankrupt, for or in respect of Goods really and *bona fide* sold to such Bankrupt, or for or in respect of any Bills of Exchange really and *bona fide* drawn, negotiated or accepted by such Bankrupt, in the usual and ordinary Course of Trade and Dealing, shall be liable to refund or repay to the Assignee or Assignees of such Bankrupt's Estate any Money which, before the suing forth of such Commission, was really and *bona fide*, and in the usual ordinary Course of Trade and Dealing, received by

After 29 *October*, 1746.

Creditors of Bankrupts

not liable to refund to the Assignees

# or concerning Bankrupts.

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14. G. 2. c. 32.

on of any such Bankrupt, before such Time as the Monies receiv-  
 ed before No-  
 Notice that he is become a Bankrupt, or that he is  
 Insolvent Circumstances.

And whereas Merchants, and other Traders, fre-  
 quently lend Money on Bottom-ree, or at Respondentia,  
 in the Course of their Trade frequently cause their Ships  
 to be insured; and the Goods and Merchandizes loaden there-  
 on to be insured; and where Commissions of Bankruptcy  
 issued against the Obligor in such Bottom-ree, or Re-  
 spondentia Bond, or the Under-writer, or Assurer in such  
 Insurance, before the Loss of the Ship or Goods, in such  
 Policy of Insurance mentioned, hath happened,  
 hath been made a Question, whether the Obligees or  
 Obligees in such Bond, or the Assured in such Policy of  
 Insurance, should be let in to prove their Debts, or be ad-  
 mitted to have any Benefit or Dividend under such Com-  
 mission, which may be a Discouragement to Trade: For  
 remedy whereof be it enacted by the Authority aforesaid,  
 from and after the said Twenty ninth Day of Oc-  
 tober, the Obligees in any Bottom-ree, or Respondentia  
 Bond, and the Assured in any Policy of Insurance, made and  
 entered into upon a good and valuable Consideration, bona  
 fide, shall be admitted to claim; and after the Loss or Con-  
 tingency shall have happened, to prove his, her, or their  
 Debts and Demands in respect of such Bond or Policy of  
 Insurance in like Manner as if the Loss or Contingency  
 happened before the Time of the issuing of the Com-  
 mission of Bankruptcy against such Obligor or Insurer;  
 and shall be intitled unto, and shall have and receive a  
 proportionable Part, Share, and Dividend of such Bank-  
 rupt's Estate, in Proportion to the other Creditors of such  
 Bankrupt, in like Manner as if such Loss or Contingency  
 happened before such Commission issued; and all and  
 every Person or Persons against whom, from and after  
 the said Twenty ninth Day of October, any Commission  
 of Bankruptcy shall be awarded, shall be discharged of and  
 from the Debt or Debts owing by him, her, or them, on  
 such Bond and Policy of Insurance as aforesaid,  
 and shall have the Benefit of the several Statutes now in  
 force against Bankrupts, in like Manner to all Intents  
 and Purposes, as if such Loss or Contingency had hap-  
 pened, and the Money due in respect thereof had become  
 due before the Time of the issuing of such Commission.

Obligees in  
 Bottom-rees,  
 &c. admitted  
 to claim,

and to a Divi-  
 dend in the  
 Bankrupt's  
 Estate.

Bankrupts dis-  
 charged from  
 Debts on Po-  
 licy of Insu-  
 rance, &c.

Anno

## Anno 24 Georgii II. Cap. 57.

An Act to continue several Laws therein mentioned; for preventing Theft and Rapine on the Northern Border of *England*; for the more effectual punishing wicked and evil-disposed Persons going armed in Disguise, and doing Injuries and Violences to the Persons and Properties of His Majesty's Subjects, and for the more speedy bringing the Offenders to Justice; for continuing Two Clauses to prevent cutting or breaking down the Bank of any River or Sea Bank; and to prevent the malicious cutting of Hop-bines for the more effectual Punishment of Persons maliciously setting on Fire a Mine, Pit, or Delph of Coal, or Canal Coal; and of Persons unlawfully hunting or taking any Red or Fallow Deer in Forests or Chaces, or beating or wounding the Keepers or other Officers in Forests, Chaces, or Parks; for granting a Liberty to carry Sugars of the Growth, Produce, or Manufacture of any of His Majesty's Sugar Colonies in *America*, from the said Colonies, directly into Foreign Parts, in Ships built in *Great Britain*, and navigated according to Law; for preventing the committing of Frauds in Bankrupt



Bankrupts; for giving further Encouragement for the Importation of Naval Stores from the *British Colonies* in *America*; and for preventing Frauds and Abuses in the Admeasurement of Coals in the City and Liberty of *Westminster*; and to make some further Provisions in relation to the signing of Certificates for the Discharge of Bankrupts.

8. **A**ND be it further enacted by the Authority aforesaid, That an Act made in the *Year* of the Reign of His present Majesty, (intituled, *An Act to prevent the committing of Frauds by Bankrupts*;) which was to continue in Force for Three Years, Bankrupts, from the Twenty fourth Day of *June*, One thousand, seven hundred and thirty two, and from thence to the End of the then next Session of Parliament; and which by another Act made in the Ninth Year of the Reign of His present Majesty, was further continued until the Twenty fourth Day of *September*, One thousand seven hundred and forty three, and from thence to the End of the then next Session of Parliament; and which by another Act made in the Sixteenth Year of the Reign of His present Majesty, was further continued until the Twenty ninth Day of *September*, One thousand seven hundred and fifty, and from thence to the End of the then next Session of Parliament, shall be, and the same is hereby further continued from the Expiration thereof, until the First Day further continued to 1 *Sept.* of *September*, One thousand seven hundred and fifty seven, and from thence to the End of the then next Session of Parliament.

And whereas many Abuses have been committed by Bankrupts, and Persons who, with their Privy, have attempted to prove fictitious and pretended Debts under Commissions of Bankruptcy, in order that such Persons might be enabled to sign their Consent to the Certificates for discharging such Bankrupts from their Debts; and Remedy whereof, and in order to prevent the like fraudulent and wicked Practices for the future, be it enacted

Persons swear-  
ing to a ficti-  
tious Debt due  
to them from a  
Bankrupt,

and signing the  
Bankrupt's  
Certificate;

unless the  
Bankrupt shall  
disclose the  
Fraud,

the Certificate  
to be null, &c.

Letter of At-  
torney from  
Creditor in  
Foreign Parts,  
to authorize  
signing Bank-  
rupt's Certi-  
ficate.

acted by the Authority aforesaid, That where any Person shall fraudulently swear or depose, or being of the People called *Quakers* affirm, before the major Part of the Commissioners named in any Commission of Bankruptcy, by Affidavit or Affirmation exhibited to them, That a Sum of Money is due to him or her from any Bankrupt Bankrupts, which shall in fact not be really and truly due or owing; and shall, in respect of such fictitious and pretended Debt, sign his or her Consent to the Certificate for such Bankrupt's Discharge from his Debt, that in every such Case, unless such Bankrupt shall, before such Time as the major Part of the said Commissioners shall have signed such Certificate, by Writing by him or her be signed and delivered to One or more of the said Commissioners, or to One or more of the Assignees of his Estate and Effects, under such Commission, disclose the said Fraud, and object to the Reality of such Debt, such Certificate shall be null and void to all Intents and Purposes, and such Bankrupt shall not in that Case be intitled to be discharged from his Debts, or to have or receive any of the Benefits or Allowances given or allowed Bankrupts by the said Act of the Fifth Year of His present Majesty's Reign; any thing therein contained to the contrary thereof in any wise notwithstanding.

10. And it is hereby enacted, That where any Creditor or Creditors of any Bankrupt reside in Foreign Parts, the Letter of Attorney of such Creditor, attested by a Notary Publick in the usual Form, shall be a sufficient Evidence of the Power and Authority by which any Person thereby authorized shall sign any Bankrupt's Certificate, any thing in the said Act of the Fifth Year of His present Majesty's Reign to the contrary thereof in any wise notwithstanding.

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Anno quarto

# Georgii III. Regis.

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C A P. XXXIII.

An Act for preventing Inconveniencies arising in Cases of Merchants, and such other Persons as are within the Description of the Statutes relating to Bankrupts, being intitled to Privilege of Parliament, and becoming insolvent.



**W**HEREAS Merchants, Bankers, Preamble:  
Brokers, Factors, Scriveners, and  
Traders, within the Description of the  
Statutes relating to Bankrupts, hav-  
ing Privilege of Parliament, are not  
compellable to pay their just Debts,  
or to become Bankrupts, by reason of the Freedom  
of their Persons from Arrests upon Civil Process;  
and some Doubts have also arisen, whether, in Cases  
of Bankruptcy, a Commission can be sued out dur-  
ing the Continuance of such Privilege: To remedy  
6 A 2 which



From and after 11 May, 1764, Creditors, to a certain Value, of any Merchant, &c. within the Description of the Laws relating to Bankrupts, having Privilege of Parliament,

may, upon Affidavit made of the Debt, and filed in any of the Courts at Westminster,

sue out a Summons, or Original Bill, &c. against such Debtor,

which Inconveniencies, and to support the Honour and Dignity of Parliament, and good Faith and Credit in Commerical Dealings, which require, that, in such Cases, the Laws should have their due Course, and that no such Merchants, Bankers, Brokers, Factors, Scriveners, or Traders, in case of actual Insolvency, should, by any Privilege whatever, be exempted from doing equal Justice to all their Creditors; be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and it is hereby enacted by the Authority of the same, That from and after the Eleventh Day of May, One thousand seven hundred and sixty-four, it shall be lawful for any single Creditor, or Two or more Creditors, being Partners, whose Debt or Debts shall amount to One hundred Pounds or upwards, and for any Two Creditors whose Debts shall amount to One hundred and fifty Pounds or upwards, or any Three or more Creditors whose Debts shall amount to Two hundred Pounds or upwards, of any Person or Persons deemed a Merchant, Banker, Broker, Factor, Scrivener, or Trader or Traders, within the Description of the Acts of Parliament relating to Bankrupts, having Privilege of Parliament, at any Time, upon Affidavit or Affidavits being made and filed on Record in any of His Majesty's Courts at Westminster, by such Creditor or Creditors, that such Debt or Debts is or are justly due to him or them respectively, and that every such Debtor, as he or they verily believe, is a Merchant, Banker, Broker, Factor, Scrivener, or Trader, within the Description of the Statutes relating to Bankrupts, to sue out of the same Court Summons, or an Original Bill and Summons, against such Merchant, Banker, Broker, Factor,



toys, Scrivener, or Trader, and serve him with a Copy thereof; and if such Merchant, Banker, Broker, Factor, Scrivener, or Trader, shall not within Two months after personal Service of such Summons (Affidavits of the Debt or Debts having been duly made and filed as aforesaid) pay, secure, or compound for, such Debt or Debts, to the Satisfaction of such Creditor or Creditors, or enter into a Bond in such Sum, and with Two such sufficient Sureties, as any of the Judges of that Court out of which such Summons shall issue shall approve of, to pay such Sum as shall be recovered in such Action or Actions, together with such Costs as shall be given in the same, he shall be accounted and adjudged a Bankrupt, from the Time of the Service of such Summons; and any Creditor or Creditors may sue out a Commission against any such Person, and proceed thereon in like Manner as against other Bankrupts.

And if he shall not, within 2 Months, pay, secure, or compound for the Debt,

he shall be adjudged a Bankrupt; and a Commission may be accordingly sued out against him.

Provided always, and it is hereby declared, That this Act shall not extend, or be deemed or construed to extend, to any such Debt or Debts as aforesaid, contracted before the Eighth Day of March, One thousand seven hundred and sixty-four; any Thing herein before contained to the Contrary thereof in any-wise notwithstanding.

But this Act is not to extend to such Debts as were contracted before 8 March, 1764.

And be it further enacted by the Authority aforesaid, That if any Merchant, Banker, Broker, Factor, Scrivener, or Trader, shall, after the last Day of this Session of Parliament, commit any Act of Bankruptcy, that then, and in such Case, any Creditor or Creditors as aforesaid may sue out a Commission of Bankrupt against such Merchant, Banker, Broker, Scrivener, or Trader; and the Commissioners in such Commission, and other Persons, may proceed thereon in like Manner as against other Bankrupts; any Privilege of Parliament to the Contrary notwithstanding.

But any Merchant, &c. committing an Act of Bankruptcy after the last Day of this Session, the Creditors may sue out a Commission against him,

and the Commissioners proceed therein, as against other Bankrupts, notwithstanding his Privilege.

Persons intitled to Privilege not subject to arrest, &c.

except in Cases made Felony.

Provided nevertheless, and be it enacted, That nothing in this Act shall subject any Person intitled to Privilege of Parliament to be arrested, or imprisoned, during the Time of such Privilege, except in Cases made Felony by the Acts relating to Bankrupts, or any of them.

F I N I S.



Anno quarto

# Georgii III. Regis.

C A P. XXXVI.

An Act to continue an Act made in the Fifth Year of the Reign of His late Majesty King George the Second, intituled, *An Act to prevent the committing of Frauds by Bankrupts*; and for extending the Laws, relating to Hackney Coaches, to the Counties of Kent and Essex.



HEREAS the Law hereafter mentioned hath, by Experience, been found useful and beneficial, and is near expiring: May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and

Preamble.

Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That an Act made in the Fifth Year of the Reign of His late Majesty King George the Second, intituled, *An Act to prevent the committing of Frauds by Bankrupts*, which was to continue in force for Three Years from the Twenty-fourth Day of June, One thousand seven hundred and thirty-two, and from thence to the End of the then next Session of Parliament; and which, by several subsequent Acts, made in the Ninth and Sixteenth Years of His said Majesty's Reign, was further continued until the Twenty-ninth Day of September, One thousand seven hundred and fifty; and which, by another Act made in the

Act 5 Geo. II. which was continued by several subsequent Acts,

further con-  
tinued to 29  
Sept. 1771.

Twenty-fourth Year of His said Majesty's Reign, was amended, and further continued until the First Day of September, One thousand seven hundred and fifty-seven, and from thence to the End of the then next Session of Parliament; and which, by another Act made in the Thirty-first Year of His said Majesty's Reign, was further continued until the Twenty-ninth Day of September, One thousand seven hundred and sixty-four, and from thence to the End of the then next Session of Parliament; Hall be, and the same is hereby further continued from the Expiration thereof, until the Twenty-ninth Day of September, One thousand seven hundred and seventy-one, and from thence to the End of the then next Session of Parliament.

And whereas by the several Laws now in being, for licensing and regulating the Owners and Drivers of Hackney Coaches within the Cities of London and Westminster, and the Suburbs thereof, and the Parishes and Places comprized within the Weekly Bills of Mortality, the said Drivers are subjected to certain Penalties and Punishments for Exactions or Misbehaviour, but the Cognizance thereof is, by the said Laws, consigned to the Commissioners for Licensing the said Coaches, the Aldermen of London, and the Justices of the Peace for the City of Westminster, and the Counties of Middlesex and Surrey (into which Counties the Limits comprized within the said Bills of Mortality do in Part extend): And whereas the Counties of Essex and Kent lie but at a small Distance from the City of London, and the said licensed Hackney Coaches often travel into those Counties through a small Part of the said County of Middlesex or Surrey, but the Drivers thereof are subject to no Jurisdiction of the Justices of the Peace after they pass the said Counties of Middlesex or Surrey; be it therefore further enacted by the Authority aforesaid, That from and after the First Day of May, One thousand seven hundred and sixty-four, every Justice or Justices of the Peace of or for the Counties of Kent and Essex shall have the same Power and Authority, within his or their respective Jurisdiction or Jurisdictions, to put the said Laws, or any of them, in Execution against the Drivers of the said licensed Hackney Coaches, for any Offence committed against the said Laws, or any of them, to all Intents and Purposes, as the said Commissioners, Aldermen, and Justices of London, Westminster, Middlesex, and Surrey, now have by Law, within their respective Jurisdictions.

Justices for the  
Counties of  
Kent and Essex  
authorized to  
put the Laws  
relating to  
Hackney  
Coaches in  
Execution  
within their  
respective Ju-  
risdictions.



14  
( 1059 )




ANNO DUODECIMO

# Georgii III. Regis.

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C A P. XLVII.

An Act to continue an Act, made in the Fifth Year of the Reign of His late Majesty King George the Second, intituled, *An Act to prevent the committing of Frauds by Bankrupts, and for making Provision for discharging Bankrupts, in certain Cases, from their Imprisonment.*

 **W**HEREAS the Law hereafter men- Preamble  
tioned hath, by Experience, been found  
useful and beneficial, and is near expir-  
ing; may it therefore please Your Ma-  
jesty that it may be enacted; and be it  
enacted by the King's most Excellent Ma-  
jesty, by and with the Advice and Consent of the Lords  
Spiritual and Temporal, and Commons, in this pre-  
sent Parliament assembled, and by the Authority of the  
same, That an Act, made in the Fifth Year of the Reign Act 5 Geo. II.  
of His late Majesty King George the Second, (intituled,  
An Act to prevent the committing of Frauds by Bank-  
rupts), which was to continue in force from the Twenty-  
fourth Day of June, One thousand seven hundred and  
thirty-

Acts 9 & 16  
Geo. II.

Act 24 Geo. II.

Act 31 Geo. II.

and Act 4.  
Geo. III.

further conti-  
nued until  
Sept. 29, 1775,  
and until the  
End of the  
following Ses-  
sion.

All Persons  
against whom  
Commissions  
of Bankruptcy  
have been a-  
warded, and  
who were in  
Custody be-  
fore March 25,  
1772, for Debts  
due before the  
Commissions  
were issued,

thirty-two, for the Space of Three Years, and from thence to the End of the then next Session of Parliament; and which, by several subsequent Acts, made in the Ninth and Sixteenth Years of His said Majesty's Reign, was further continued until the Twenty-ninth Day of September, One thousand seven hundred and fifty; and by an Act, made in the Twenty-fourth Year of the Reign of His said late Majesty, was amended and further continued until the First Day of September, One thousand seven hundred and fifty-seven; and which, by Two subsequent Acts, made in the Thirty-first Year of His said late Majesty's Reign, and the Fourth Year of the Reign of His present Majesty, was further continued until the Twenty-ninth Day of September, One thousand seven hundred and seventy-one, and from thence to the End of the then next Session of Parliament; shall be, and the same is hereby further continued, from the Expiration thereof, until the Twenty-ninth Day of September, One thousand seven hundred and seventy-five, and from thence to the End of the then next Session of Parliament.

And whereas many Persons against whom a Commission of Bankruptcy hath issued are, nevertheless, confined in Prison, though they have delivered up all their Effects; for Relief therefore of such Persons, be it enacted by the Authority aforesaid, That all and every Person or Persons, against whom a Commission of Bankruptcy has been awarded and issued, and who was or were in Custody on or before the Twenty-fifth Day of March, One thousand seven hundred and seventy-two, for any Debt due before such respective Commissions issued, and who have, or shall have, duly conformed themselves to the several Acts of Parliament relating to Bankrupts, and are not, nor have been, committed by any Warrant of the Commissioners in such respective Commission named, for Contumacy, or Non-compliance with those Laws, that it shall and may be lawful for any One of the Judges of the Court wherein such Process has issued against such Bankrupt or Bankrupts, on Petition of such Bankrupt or Bankrupts, to summon his, her, or their Plaintiff or Plaintiffs to appear before him, to shew Cause why such Bankrupt should not be discharged from his, her, or their



their Imprisonment, (such Bankrupt or Bankrupts first making Oath that such Debt or Debts did accrue before the issuing out such Commission); and such Plaintiff or Plaintiffs not appearing, or appearing and not proving that such Bankrupt or Bankrupts has or have concealed any of his, her, or their Effects, or that he, she, or they, has or have not conformed him, her, or themselves to the Laws against Bankrupts, such Judge shall and may, by Warrant, or other Instrument, under his Hand, discharge him, her, or them, from such his, her, or their Imprisonment for any Debt or Debts due before such Commission issued; and such Bankrupt or Bankrupts shall not be subject or liable to be arrested for any Debt or Debts due or contracted before such Commission issued; subject nevertheless, in every other Respect, to the Laws against Bankrupts: And all and every Sheriff or Sheriffs, Bailiff and Officer, Gaoler and Keeper, are hereby required, on the Delivery of such Warrant or Instrument of Discharge to such Sheriff or Sheriffs, Bailiff, or other Officer, Gaoler or Keeper, to discharge such Bankrupt or Bankrupts out of Custody accordingly; and they are hereby declared and enacted to be indemnified from any Action or Actions that shall or may be brought, commenced, or prosecuted, against him or them, for any Escape or Escapes for or on account thereof.

And whereas many Bankrupts, from a Fear of being arrested and thrown under a long Imprisonment, do abscond and secrete themselves from their Homes, or go abroad into foreign Parts, to the great Distress of their Families, and the Detriment of this Kingdom; be it further enacted by the Authority aforesaid, That such Bankrupt or Bankrupts, against whom a Commission of Bankruptcy hath been awarded and issued on or before the said Twenty-fifth Day of March, One thousand seven hundred and seventy-two, who hath or have regularly submitted to the same, and justly conformed him, her, or themselves, to the several Statutes now in Force concerning Bankrupts, and who shall be hereafter arrested and held to Bail, or taken in Execution for any Debt or Debts due and accruing before the Date or Dates of such respective Commissions, shall and may, after the

on Proof not being produced of their having concealed their Effects, or of their not having conformed to the Laws against Bankrupts,

to be discharged from Imprisonment, and all Debts due before the Commission of Bankruptcy issued.

Sheriffs, Bailiffs, Officers, &c. indemnified for Escapes occasioned hereby.

Bankrupts against whom a Commission hath been awarded before March 25, 1772;

and who have justly conformed to the Statutes in Force concerning Bankrupts, and who shall be hereafter arrested for Debts,

may, by Peti-  
tion, be dis-  
charged, in  
like Manner.

Expiration of Forty Days from the Time of such Arrest, in like Manner, petition any One of the Judges of the Court wherein such Process has issued; and such Judge is hereby authorized and required to discharge such Bankrupt or Bankrupts, in like Manner, and on the like Terms and Conditions, as are aforesaid and directed; and if such Bankrupt or Bankrupts shall be afterwards arrested for any other Debt or Debts also accruing before such respective Commissions issued, any Judge of the Court wherein such Process issued shall, upon Summons of the proper Party or Parties, immediately discharge such Bankrupt or Bankrupts from such Arrest; nevertheless, such Bankrupt or Bankrupts to be subject, in all other Respects, to the Laws relating to Bankrupts, as aforesaid.

F I N I S.



*Statutes not in this old book.*

*16 G. 3. c. 5. 5. 4. 3. 1. 3. 1. for 5 years.  
16 G. 3. c. 5. 5. 4. 3. 1. 3. 1. for 5 years.  
16 G. 3. c. 5. 5. 4. 3. 1. 3. 1. for 5 years.  
16 G. 3. c. 5. 5. 4. 3. 1. 3. 1. for 5 years.  
22. June 1776. & authorizes the Lord Chancellor  
to allow certificates that are not signed by 1/25. 1/25. in  
manuscript of the bankrupt's creditors.*

# THE TABLE.

**Acts relating to  
Bankrupts. See  
Statutes.**

**Affidavit, Affirma-  
tion, See Oath.**

**Allowances, Re-  
wards, &c. See  
Fees.**

**D**iscoverers of a  
Bankrupt's Estate  
to be allowed 3 l.  
per Cent. Page 41.

The like Clause in the  
Act of 5 *Geor. I. cap. 24.*

By this Act the Dis-  
coverers are allowed 5 l.  
per Cent. 119.

No Money shall be  
allowed by the Creditors  
(out of the Bankrupt's  
Estate) for Expences in  
eating or drinking at any  
Meeting of the Com-  
missioners, Creditors, or  
others. 135.

See *Disability.*

Commissioners shall be 5 G. I.  
allowed only 20 s. each *c. 24.*  
for each Meeting; 20 s.  
each for executing every  
Deed of Assignment, Di-  
vidend, or other Deed;  
and 10 s. each for every  
Warrant of Contribution  
or Seizure. Page 78.

By this Act Commis- 5 G. II.  
sioners are allowed 20 s.  
each for each Meeting,  
the other Particulars o-  
mitted. 135.

See *Disability.*

The Commissioners shall 5 G. I.  
give gratis to any Credi- *c. 24.*  
tor a Certificate under  
their Hands, of his hav-  
ing proved his Debt. 76.

The like Clause in the 5 G. II.  
Act of 5 *Geor. II. 119.*

A Bankrupt conform-  
ing to this Act shall be  
allowed 5 l. per Cent. out  
of the neat Produce of  
all the Estate that shall  
be recovered by his Dis-  
covery, in case the said  
Estate (after such Allow-  
ance made) is sufficient  
to pay the Creditors 10 s.  
in the Pound, and so as  
the said 5 l. per Cent.

L does

# The T A B L E.

## Allowances.

does not amount in the whole to above 200 *l.* And if the Estate be sufficient to pay 12 *s.* 6 *d.* in the Pound, he shall be allowed 7 *l.* 10 *s.* *per Cent.* so as the said 7 *l.* 10 *s.* does not amount in the whole to above 250 *l.* And if the Estate be sufficient to pay 15 *s.* in the Pound, then he shall be allowed 10 *l.* *per Cent.* so as the said 10 *l.* *per Cent.* does not amount to above 300 *l.* But if the neat Produce of the Bankrupt's Estate will not be sufficient to pay 10 *s.* in the Pound, after all Charges had and deducted, then such Bankrupt shall only be allowed what the Commissioners and Assignees shall think fit, not exceeding 3 *l.* *per Cent.*

Page 110.

Part of this Clause inserted in the Acts of 4 & 5 *A. c.* 17. *p.* 41. and of 5 *Geo. I. c.* 24. 78.

The Bankrupt shall be allowed 2 *s.* 6 *d.* *per Diem*, for attending the Assignees after Certificate signed, in order to settle Accounts. 81.

The like Clause in the Act of 5 *G. II.* 130.

4 & 5 *A.*

*c.* 17.

5 *G. I.*

*c.* 24.

5 *G. I.*

*c.* 24.

•

5 *G. II.*

## Ambassadors.

No Merchant, or 7 *A. c.* 12. other Trader within the Description of any of the Statutes against Bankrupts, who shall put himself into the Service of any Ambassador, or other publick Minister of foreign Princes or States, shall have any Manner of Benefit by the Act, *For preserving the Privileges of Ambassadors, &c.*

Page 53.

## Apparel.

Bankrupt not obliged to deliver up his own, 5 *G. I. c.* 24. or his Wife's, or Children's necessary Wearing Apparel. Such Apparel not liable to Seizure.

71, 73.

The like Clauses in the Act of 5 *Geo. II.* 5 *G. II.*

107, 112, 117.

## Arrest.

The Person of a Bankrupt not liable to Arrest for Debt, or Escape-Warrant, in going to, staying with, or coming from the Commissioners or Assignees, if he attend in Obedience to any Notice or Summons from them; but on producing such

5 *G. II.*

# The T A B L E.

## Arrest.

such Notice or Summons, he shall be discharged. And if after such Summons shewn, any Officer shall detain such Bankrupt, he shall forfeit 5 *l. per Diem* to the Bankrupt's Use.

Page 109.

The like Clause in the Act of 5 *Geor. I. c. 24.*

71.

## Arbitration. See Assignees.

## Assignees of Bankrupts Estates.

Impowered to appoint Persons to attend Bankrupts in Prison under Execution. 110.

May adjust Accounts that remain unbalanced between Bankrupts and their Creditors, and take the Balance due in full Discharge thereof. 124.

When a Commission is issued, the Commissioners shall forthwith, after they have declared the Person a Bankrupt, cause Notice thereof to be given in the *London Gazette*, and appoint a Time and Place for the Creditors to meet (which Meeting for *London* and the Bills of Mortality

## Assignees, &c.

(shall be at *Guildball*) to choose Assignees of the Bankrupt's Estate; at which Meetings the Commissioners shall admit the Proof of any Person's Debt by Affidavit, or (being a *Quaker*) by solemn Affirmation, and permit any Person duly authorized by Letters of Attorney from any Creditor (Oath or Affirmation being made of the due Execution thereof) to vote in the Choice of Assignees: And the Assignees shall keep Books of Account, in which they shall enter all Sums of Money, and other Effects, which they shall receive out of the Bankrupt's Estate; which Books, Creditors who have proved their Debts may inspect as often as they please.

Page 123.

No Creditor, or other Person for him, shall vote in the Choice of Assignees, whose Debt amounts not to 10 *l.* or upwards. 124.

The Commissioners may immediately appoint Assignees, who may be removed at the Meeting of the Creditors, if the major Part of them think fit, and the

L 2 Assignees

G. I.  
24.

G. II.

*Comparison of provisional assignees till  
decided by creditors. 5th Decr. 1725.*

## The TABLE.

### Assignees, &c.

Assignees so removed, shall deliver up and assign all the Effects of the Bankrupt, which shall be come into their Hands, to the Assignees so chosen by the Creditors; and all such Effects shall be vested in such new Assignees: And if any of the First Assignees shall, by the Space of 10 Days after Notice of the Choice of such new Assignees, and of their Consent to accept such Assignment, refuse or neglect to make such Assignment and Delivery, every such Assignee shall forfeit 200*l.* to be divided among the Creditors, and recovered by Action of Debt, &c. by such Persons as the Commissioners shall appoint, with Full Costs, &c.

*Page 125.*

The Assignees are to reimburse the petitioning Creditors all Costs and Charges they have been at in suing out the Commission out of the First Monies or Effects of the Bankrupt, that shall come into their Hands.

123.

If after any Assignment made pursuant to the Choice of the Creditors, it be found neces-

### Assignees, &c.

sary to vacate such Assignment; the Lord Chancellor, upon the Petition of any Creditors, may make such Order therein, as he shall think reasonable. And if a new Assignment be ordered to be made by the Creditors, the Debts, Effects, and Estate of the Bankrupt shall be vested in such new Assignees, who may sue for the same in their own Names, discharge any Action, &c.

*Page 126.*

The Commissioners shall give Notice in the Two *London Gazettes*, immediately following the Removal of such Assignees, and the Appointment of new Ones, that such Assignees are removed, and such others appointed in their Stead.

127.

Before the Choice of Assignees the major Part in Value of the Creditors shall, if they think fit, direct where and with whom the Monies arising from the Bankrupt's Estate shall be deposited, till a Dividend is made thereof; and every Assignee, as often as 100*l.* come into his Hands, shall conform to such



## The T A B L E.

### Assignees, &c.

such Order and Direction.

*Page 127.*

The Assignees shall sometime after the Expiration of 4 Months, and within 12 Months from the Time of issuing a Commission, cause 21 Days publick Notice to be given in the *Gazette*, of the Time and Place the Commissioners intend to meet and make a Dividend of the Bankrupt's Estate (which Meeting for the City of London and the Bills of Mortality shall be at *Guildhall*) when and where Creditors, who have not proved their Debts, may prove the same. And the Assignees shall deliver to the Commissioners and Creditors a fair Account of the Bankrupt's Estate, and may be examined upon Oath, or being *Quakers* upon solemn Affirmation, touching the said Accounts. They shall be reimbursed their Expences, and have a reasonable Allowance for their Trouble. And the Commissioners shall order so much of the neat Produce of the Bankrupt's Estate, as appears to be in the Hands of the Assignees, to be di-

### Assignees, &c.

vided amongst such of the Creditors as have proved their Debts; which Order shall be in Writing under the Hands of the Commissioners, to be filed amongst the Proceedings of the said Commission, and a Duplicate thereof delivered to each of the Assignees, containing an Account of the Time and Place of making such Distribution, the Sum total of all the Debts proved under the said Commission, the Sum total of the Money remaining in the Hands of the Assignees, and how much in the Pound is then ordered to be paid to every Creditor. And the Assignees pursuant to such Order are forthwith to make a Dividend accordingly, and take Receipts in a Book to be kept for that Purpose, from each Creditor. Which said Order and Receipt shall be an effectual Discharge to every Assignee for so much as he shall pay pursuant thereunto.

*Page 128.*

The Assignees may (with Consent of the major Part in Value of the Bankrupt's Credit-

L 3      tors)

# The TABLE.

## Assignees, &c.

*Not to com-  
mon ce. must be  
equity without consent of  
major part in value of the  
cred. who shall  
be present at  
meeting to be  
admitted in  
Gazette for  
that purpose.*

4 & 5 A.  
c. 17.

3 G. I.  
c. 12.

5 A. c. 13.

5 G. I.  
c. 24.

tors) submit Matters in Dispute to Arbitration.

Page 129.

May make Composition with the Bankrupt's Debtors, and take such reasonable Part as can be gotten, in full Discharge of the Debts.

130.

The Third Clause in the Act of 5 Geor. II. relating to Assignees, enacted in the Act of 4 & 5 A. c. 17.

43.

The like Clause in the Act of 3 G. I. c. 12.

67.

The 4th, 5th, and 6th Clauses, in the Act of 5 A. c. 13.

49.

The 4th, 5th, 6th, 8th, 9th, and 13th Clauses in the Act of 5 G. I. c. 24.

83.

To make the final Dividend within 18 Months after Commission issued; unless any Suit at Law or Equity be depending, or any Part of the Estate not disposed of, or some future Estate to come to the Assignees; in which Case they are to convert it into Money as soon as possible, and within 2 Months by Order from the Commissioners divide the same amongst the Creditors.

131.

*Assignment provided  
by Comm<sup>r</sup>. 125.*

## Assurance.

No Governor, Director, or other Officer of

6 G. I.

c. 18.

either of the Corporations to be erected by this Act, shall in respect of his Share therein only be adjudged liable to be a Bankrupt.

Page 93.

Assured admitted to make Claim, before Loss happens.

19 G. II.

c. 32.

141.

## Bankers, Brokers, Factors.

Bankers, Brokers, and Factors entrusted with Money, Goods, and Effects belonging to other Persons, shall be liable to this and other Statutes made concerning Bankrupts.

5 G. II.

132.

The like Clause in the Act of 5 Geor. I. c. 24.

5 G. I.

c. 24.

## Bank of England.

No Member of the Land Bank shall, in respect of his Stock therein only, be adjudged liable to be a Bankrupt.

7 & 8

W. III.

c. 31.

Like Clause for the Bank of England, in the Act of 8 & 9 W. III.

35.

8 & 9

W. III.

c. 19.

32.

Like

## The T A B L E.

### Bank of England.

- A. c. 13.* Like Clause in the Act of 5 *Annæ*, cap. 13. Page 47.  
*A. c. 7.* Like Clause in the Act of 7 *Annæ*, cap. 7. 52.  
*G. I.* Like Clause in the Act of 3 *Geor. I.* cap. 8. 58.

### Bankrupts.

- E. c. 7.* Described by 13 *Eliz.* 7.  
*c. 7.* By 1 *Jac. I.* cap. 15. 15.  
*7. I.* Further described by 21 *Jac. I.* c. 19. 24.  
*15.* See *Description of Bankrupts.*  
*7. I.* Bankrupt to be deemed out of the King's Protection, if he does not surrender himself within 3 Months after the Proclamation. 5.  
*E. c. 7.* Like Clause in the Act of 13 *Eliz.* cap. 7. 12.  
*7. I.* To be apprehended upon Non-compliance with the Proclamation; and imprisoned upon refusing to be examined by the Commissioners. 17.  
*15.* Bankrupt convicted of Perjury, to stand in the Pillory, and have One of his Ears cut off. 18.  
*7. I.* His Wife to be examined by the Commissioners, and liable to the same Penalties as other 19.

### Bankrupts.

Persons for refusing to obey their Orders.

Page 26, 27.

A Bankrupt convicted of endeavouring to defraud his Creditors by concealing or imbezzling his Effects, and refusing to surrender them to the Commissioners; or not rendering some probable Reason why he became a Bankrupt, to stand in the Pillory, &c.

Not surrendering within 42 Days after Notice given in the *London Gazette*, and submitting to be examined, to be declared guilty of Felony, and to suffer as such without Benefit of Clergy. 106, 107.

See *Felony, Days.*

To deliver up to the Assignees all their Books of Accounts, Writings, &c. not before delivered to the Commissioners. 108.

Not in Prison or Custody to attend Assignees to assist them in making out the Accounts of their Estate and Effects. *ibid.*

Have Liberty to inspect their Books and Accounts in Presence of One or more of the Assignees, and make Extracts from thence in order

## The TABLE.

### Bankrupts.

der to their making a full and true Discovery of their Effects; and to be free from all Arrests or Restraint during the Time of their Examination, if not in Custody at the Time of their Surrender. *Page 109.*

If in Custody at the Time of issuing the Commission, and can be brought before the Commissioners to be examined, the Expence shall be paid by the Assignees; but if under Execution, the Commissioners are to attend them in Prison.

110.

Like Clause in the Act of 4 & 5 *Annæ*, cap. 17.

40.

Like Clause in the Act of 5 *Geor. I.* cap. 24.

73.

Discharged by this Act, to be freed from all future Arrests or Prosecutions for any Debts due at the Time of his becoming a Bankrupt. And if arrested or impleaded, may plead in general that the Cause of such Action did accrue before he became a Bankrupt, and may give this Act and the Special Matter in Evidence, and shall recover his Costs, &c. Nevertheless his

### Bankrupts.

future Effects still liable.

*Page 111.*

See *Effects*, &c.

*Discharge of Bankrupts.*

No Bankrupt whatsoever shall receive any Benefit by this Act, who within a Year before his becoming a Bankrupt, has lost the Sum of 100*l.* by Contracts for the Sale or Purchase of any Stock of any Company or Corporation, or any Shares of Government or publick Funds, if the Contract was not to be performed within One Week after the making such Contract; or where the Stock so bought or sold, was not actually transferred in Pursuance of such Contract. 115.

See *Gaming, Marriage, Contract.*

If a Bankrupt apprehended within the Time limited, submit to be examined, and conform in all Respects to the Directions of this Act, he shall receive the same Benefit thereby, as though he had voluntarily surrendered. 117.

The Bankrupt is required after Allowance of his Certificate to attend the Assignees in order to settle Accounts; and if he refuses to attend,



# The T A B L E.

## Bankrupts.

tend, or assist as afore-  
said (without good and  
sufficient Cause shewn  
for such Neglect or Re-  
fusal) he is to be com-  
mitted to Gaol without  
Bail, &c. Page 130.

Like Clause in the  
Act of 5 Geo. I. cap. 24.  
80.

Allowed 2s. 6d. per  
Diem for such Attend-  
ance. 130.

See Allowances.

4 & 5 A.

c. 17.

5 G. I. c. 24.

By these Acts the  
Bankrupt was allowed  
only 30 Days Time to  
appear in. 37, 70.

Bankrupt not intitled  
to the Benefit without a  
Certificate under the  
Hands and Seals of the  
Commissioners of his  
having conformed, &c.

113.

4 & 5 A.

c. 17.

Like Clause in the Act  
of 4 & 5 Annæ, cap. 17.

45.

5 G. I.

c. 24.

Like Clause in the  
Act of 5 Geor. I. cap. 24.

79.

See Certificate.

Bankrupt's Allowan-  
ces.

See Allowances.

## Bills, Bonds, Promissory Notes, &c.

7 G. I. c. 31.

Persons who have sold  
Goods upon Credit, and

## Bills, &c.

taken Bills, Bonds, Pro-  
missory Notes, or other  
personal Securities for  
their Money, payable  
on future Days of Pay-  
ment, if Commissions of  
Bankruptcy be awarded  
against the Buyers of  
such Goods, before the  
Money due on such  
Bills, &c. is become  
payable, the Persons so  
giving Credit upon a  
good and valuable Con-  
sideration for Money or  
other Thing whatsoever,  
which shall not be due  
before the Time of the  
Buyers becoming a  
Bankrupt, shall be ad-  
mitted to prove their  
Bills, &c. in like Man-  
ner as if they had been  
made payable presently;  
and shall be intitled to  
a proportionable Share  
and Dividend of such  
Bankrupt's Estate, in  
Proportion to the other  
Creditors, deducting on-  
ly a Rebate of Interest,  
and discounting such Se-  
curities after the Rate of  
5l. per Cent. per Annum,  
for what he shall so re-  
ceive, to be computed  
from the Payment there-  
of, to the Time such  
Debt would have be-  
come payable by such  
Securities. 96.

Every

# The T A B L E.

## Bills, &c.

Every Bankrupt shall be discharged from such Bond, Note, or other Security, and have the Benefit of the several Statutes against Bankrupts, in like Manner as if such Money had been due before the Time of his becoming Bankrupt.

Page 97.

5 G. II.

So much of the Act of 7 Geor. I. cap. 31. as disables any Person possessed of such Bonds, Bills, Promissory Notes, &c. from petitioning for, or joining in any Petition for a Commission of Bankruptcy, is by this Act repealed; and it shall and may be lawful for any such Person to petition for, or join in petitioning for any such Commission; any thing in the said Act contained to the contrary notwithstanding.

121.

The Creditors petitioning for a Commission shall give Bond to the Lord Chancellor in the Penalty of 200*l.* conditioned for proving their Debts, &c.

*ibid.*

See *Commission of Bankrupts how awarded.*

Bonds. See *Bills and Void.*

## Books of Accounts.

To be delivered by the Bankrupt to the Assignees, upon Oath, or solemn Affirmation before a Master in Chancery, or Justice of the Peace. Page 108, 115.

Broker. See *Banker.*

*Properly made book Bankrupt Law. 132.*

## Certificate.

No Bankrupt shall be intitled to the Benefits allowed by this Act, unless the Commissioners shall certify to the Lord Chancellor, that he hath made a full Discovery of his Effects, and in all Things conformed himself to the Directions of this Act; and that there does not appear to them any Reason to doubt of the Truth of such Discovery, or that it is not a full Discovery of all the Bankrupt's Estate and Effects; and unless 4 Parts in 5 in Number and Value of the Creditors shall sign the Certificate, and testify their Consent to such Allowance and Certificate, and to the Bankrupt's Discharge; to be also certified by the Commissioners, who are not to certify,

5. 4. 2. 6. 30

## The TABLE.

### Certificate.

tify, till they have Proof by Affidavit or Affirmation in Writing of the Creditors signing such Certificate, and the Power by which any Person shall be authorized to sign for them, which shall be laid before the Lord Chancellor, &c. with the Certificate, in order to the allowing and confirming the same; and unless the Bankrupt make Oath or Affirmation, that such Certificate and Consent were obtained fairly and without Fraud; and unless such Certificate, after such Oath or Affirmation, be allowed by the Lord Chancellor, or by Two of the Judges of the Courts at *Westminster*, to whom the Consideration thereof shall be referred by the Lord Chancellor: And the Creditors shall, if they think fit, be heard against the making such Certificate, and the Confirmation thereof.

Page 113.

4 & 5 A. c. 17. Like Clause in the Act of 4 & 5 *Annæ*, cap. 17.

45.

5 A. c. 22. Like Clause in the Act of 5 *Annæ*, cap. 22.

48.

5 G. I. c. 24. Like Clause in the Act of 5 *Geor. I.* cap. 24.

79.

### Certificate.

Every Bond, Bill, or 5 G. II. other Security given by any Bankrupt to the Use of any Creditor, as a Consideration to persuade him to sign such Allowance or Certificate, shall be void. Page 114.

Like Clause in the Act 5 A. c. 13. of 5 *Annæ*, cap. 13.

Like Clause in the 5 G. I. Act of 5 *Geor. I.* cap. 24. c. 24. 80.

See *Void*.

All Persons declared 5 G. II. Bankrupts on or before 14 *May*, 1729, who had failed to obtain their Certificates allowed within the Time limited by a Clause in an Act passed in the Third Year of his present Majesty's Reign, and who had nevertheless been conformable to the said Act in other Particulars, were, upon obtaining Certificates of their Conformity any Time before 25 *March*, 1733, to be intitled to all the Privileges contained in the Act of 5 *Geor. I.* cap. 24. and to have their Certificates confirmed. 137.

A Certificate signed by 24 G. II. a fictitious Creditor, is c. 57. void; unless the Bankrupt discover the Fraud.

144.

Lord

# The TABLE,

## Lord Chancellor, &c.

5 G. II. May enlarge the Time  
for Bankrupt's surrender-  
ing. Page 108.

See *Days, Time.*  
4 & 5 A. Like Clause in the Act  
c. 17. ✓ of 4 & 5 Anne, cap. 17.  
38.

5 G. I. Like Clause in the Act  
c. 24. of 5 Geor. I. cap. 24.  
72.

5 G. II. The Lord Chancellor  
may vacate the First As-  
signment of the Bank-  
rupt's Estate, &c. upon  
Petition of any Credi-  
tors; or make such Or-  
der therein as he shall  
think reasonable. 126.

5 G. I. Like Clause in the Act  
c. 24. of 5 Geor. I. cap. 24.  
85.

See *Assignees.*

5 G. II. The Lord Chancellor  
shall appoint a place  
where all Proceedings of  
a Commission shall be  
entered of Record, and  
a Person to enter the  
same. 133.

5 G. I. Like Clause in the Act  
c. 24. of 5 Geor. I. cap. 24.  
88.

See *Record.*

## Commission of Bankrupts, how awarded.

21. J. I. To be sued out with-  
c. 19. in 5 Years after the

## Commission, &c.

Person becomes a Bank-  
rupt. Page 31.

No Commission of 5 G. II.

Bankrupt shall be a-  
warded against any Per-  
son upon the Petition of  
One or more Creditors,  
unless the single Debt of  
the Petitioner do amount  
to 100*l.* or upwards; or  
the Debt of Two Cre-  
ditors to 150*l.* or up-  
wards; or the Debt of  
Three or more Creditors  
to 200*l.* or upwards;  
And the petitioning Cre-  
ditors shall, before the  
same be granted, give  
Bond to the Lord Chan-  
cellor, in the Penalty of  
200*l.* conditioned for  
proving their Debts, and  
the Party a Bankrupt at  
the Time of taking out  
the Commission; and  
the Petitioners shall  
make Oath, or (being  
*Quakers*) solemn Affir-  
mation, in Writing before  
a Master in Chancery  
of the Truth and Reality  
of their Debts, which  
Affidavit shall be filed  
by the proper Officer;  
and if such Debts shall  
not appear to be due, or  
the Party shall not be  
proved a Bankrupt, but  
that such Commission  
was taken out fraudu-  
lently or maliciously, the  
Lord Chancellor, on the  
Petition



## The TABLE.

### Commission, &c.

Petition of the Party grieved, may order Satisfaction to be made for the Damages by him sustained; and, for the better Recovery thereof, may assign the Bond to the Party petitioning, who may sue the same in his own Name.

*Page 120.*

5 A. C. 13.

Like Clause (the Oath, or Affirmation of the petitioning Creditors excepted) in the Act of 5 *Annæ*, cap. 13.

51.

5 G. I.  
c. 24.

Like Clause (except as before excepted) in the Act of 5 *Geor. I.* cap. 24.

82.

### Commissions of Bankrupts superseded.

5 G. II.

If any Bankrupt after a Commission is issued out against him, shall pay to the Persons who sued out the same, or deliver any Goods, or give other Satisfaction for his Debt, whereby such Person shall privately have more in the Pound than the other Creditors, such Payment, &c. shall be deemed such an Act of Bankruptcy, whereby such Commission shall

### Commission, &c.

be superseded; and the Lord Chancellor may award to any Creditors petitioning a new Commission. And the Persons taking such Goods, or other Satisfaction, shall pay back and deliver up the same, or the full Value, to such Persons as the Commissioners acting under such new Commission shall appoint, in Trust for the other of the Bankrupt's Creditors.

*Page 122.*

Like Clause in the 5 G. I. Act of 5 *Geor. I.* cap. 24.

c. 24.

86.

The Charge of issuing Commissions to be paid by the Assignees.

123.

See *Assignees*.

No Commission of Bankrupt shall abate by the Death of His Majesty, His Heirs and Successors; and if it be necessary to renew any Commission by reason of the Death of the major Part of the Commissioners, or for any other Cause, only Half Fees shall be taken.

141, 142.

Commissions and Proceedings thereon to be entered of Record.

133.

See *Record*.

### Commissioners.

# The TABLE.

## Commissioners.

13 El. c. 7. To be chosen by the Lord Chancellor. *Page 7.*

Have Authority to imprison the Body of the Bankrupt, and also to cause his Lands, Goods, &c. to be viewed, appraised, and sold for the Use of his Creditors.

7, 8.

Are obliged to declare to the Bankrupt how they have disposed of his Effects; and also to make Payment of the Overplus, if there be any, to the Bankrupt, his Heirs, or Executors.

9.

17 J. I.  
c. 15.

Like Clause in the Act of 1 Jac. I. *cap. 15.*

22.

To award 5 Proclamations upon 5 Market Days at or near the Place the Bankrupt commonly lived, commanding him forthwith to appear, &c.

12.

5 G. II.

The Commissioners are to appoint 3 several Meetings within the Time limited for the Bankrupt to surrender himself, the last of which shall be on the 42d Day by this Act limited for the Bankrupt's Appearance.

107.

Are to attend Bankrupts (if under Execution) in Prison.

110.

## Commissioners.

To certify to the Lord Chancellor in Writing under their Hands and Seals when a Person has conformed himself to the Directions of the Act.

*Page 113.*

See *Certificate.*

Have Power to examine Bankrupts as well by Word of Mouth as by Interrogatories in Writing, and also every other Person summoned before them, touching the Trade and Effects of such Bankrupts; and may commit them to Prison upon Non-compliance.

117.

Like Clause in the Act 17 J. I. of 1 Jac. I. *c. 15.*

18. c. 15.

Like Clause in the Act 4 & 5 A. of 4 & 5 Anna, *cap. 17.*

39.

Like Clause in the 5 G. I. Act of 5 Geor. I. *cap. 24.*

c. 24.

74.

See *Witness, Imprisonment.*

To give Notice in the 5 G. II. *London Gazette* when a Person is declared a Bankrupt, and appoint a Time and Place for the Creditors to meet and prove their Debts, choose Assignees, &c.

123.

See *Assignees.*

May appoint Assignees, who may be displaced

## The TABLE.

### Commissioners.

placed at the Meeting  
of the Creditors.

Page 125.

See *Assignees*.

To give Notice in the  
*London Gazette*, of the  
Removal of the former  
Assignees, and the Ap-  
pointment of new Ones.

126.

See *Assignees*.

May send their War-  
rant to any Gaoler to  
deliver up the Body of  
a Bankrupt in his Cus-  
tody to the Persons  
named in such Warrant;  
and also to seize any  
Goods or Effects of the  
Bankrupt which shall be  
then in his Custody, or  
in the Custody of any  
other Person, or in any  
Prison whatsoever.

116.

Like Clause in the Act  
of 5 *Geor. I. cap. 24.*

5 G. I.  
c. 24.

See *Imprisonment, Sei-  
zure.*

Commissioners are im-  
powered to administer an  
Oath, or solemn Affirm-  
ation, to any Person au-  
thorized by Letter of  
Attorney from any Cre-  
ditor, touching the due  
Execution thereof; and  
are to permit such Per-  
sons so authorized to  
vote in the Choice of  
Assignees.

124.

### Commissioners.

Like Clause in the 5 G. I.  
Act of 5 G. I. *cap. 24. c. 24.*

Page 83.

To assign the Bank-  
rupt's Estate to the As-  
signees chosen by the  
Majority in Value of the  
Creditors.

124.

Like Clause in the Act 5 G. I.  
of 5 G. I. *cap. 24. 83. c. 24.*

See *Assignees*.

To any Action brought  
against them for any  
thing done in pursuance  
of this Act, may plead  
the General Issue, and  
give this Act and the  
Special Matter in Evi-  
dence.

23.

The like Clause in the 5 G. I.  
Act of 5 *Geor. I. cap. 24. c. 24.*

87.

May proceed in Exe-  
cution upon the Bank-  
rupt's Effects, notwith-  
standing the Death of  
the Bankrupt.

23.

May break open the  
House of a Person declar-  
ed a Bankrupt.

28.

Have Power to send  
for and examine upon  
Oath, or otherwise, any  
Persons suspected of con-  
cealing any of the Bank-  
rupt's Effects; or of  
being indebted to him.

9.

Like Clause in the Act  
of 34 & 35 *H. VIII. H. VIII.*  
*c. 4. 2. c. 4.*

Not

5 G. II.

## The TABLE

### Commissioners.

5 G. II. c. 2. 10. Not allowed Money for eating, drinking, &c. out of the Bankrupt's Estate: Any Commissioner offending against this Clause to be disabled from ever after acting as a Commissioner.

Page 135.

See *Allowances, Disability.*

No Commissioner capable of acting as such till sworn. 136.

See *Oath.*

### Concealers of Bankrupt's Estate, &c.

34 & 35 H. VIII. c. 4. Persons suspected of concealing any of the Bankrupt's Effects, or of being indebted to him, may be sent for and examined by the Commissioners upon Oath, or otherwise; and if upon Examination they refuse to declare the whole Truth, on Proof thereof made before the Commissioners, they are to forfeit double the Value of such Goods and Effects so concealed. 2, 3.

23 El. c. 7. A like Clause in the Act of 13 Eliz. cap. 7.

17 J. I. c. 15. Refusing to appear upon Commissioners Sum-

### Concealers, &c.

mons, or to answer to Interrogatories, to be committed to Prison without Bail, &c. till they submit as aforesaid.

Page 20.

Convicted of Perjury, to incur and suffer all the Pains and Penalties limited by the Statute of 5 Eliz. made concerning Perjury. 21.

Every Person who has accepted of any Trust, and shall conceal any Estate Real or Personal, of any Person becoming Bankrupt, and shall not within 42 Days after issuing of the Commission, and Notice thereof, discover such Trust and Estate in Writing to One or more of the Commissioners, and submit to be examined by them, and truly discover the same, shall forfeit 100 l. and Double the Value of the Estate concealed for the Use of the Creditors; to be recovered by an Action of Debt in the Name of the Assignees; and Costs shall be allowed to either Party, as in other Cases. 120.

By these Acts the 4 & 5 A. Party concealing any of Bankrupt's Effects, was allowed only 30 Days to appear



# The TABLE.

## Concealers, &c.

appear and make a Discovery of the same.

Page 42, 77.

## Consideration.

Every Bond, Bill, Note, or other Security given by a Bankrupt to any Creditor as a Consideration to induce him to sign the Certificate, to be void. 114.

See *Void*.

## Creditors.

Claiming more than is justly due to them to forfeit Double the Sum demanded. 3.

See *Penalty*.

If not fully satisfied or paid, have their Remedy against the Bankrupts for the Remainder of their Debts, in the same Manner as they should have had before the making this Act. 6.

Like Clause in the Act of 13 *Eliz. cap. 7*. 13.

Any Creditor may, within 4 Months after Commission issued, partake and join with the other Creditors for the Satisfaction of his Debt, provided he contributes to the Charges of the said Commission; otherwise to be excluded. 16.

## Creditors.

May sue for and recover any Debt assigned to him by the Commissioners, in the same Manner as the Party himself might have done.

Page 21.

May be heard against making and confirming the Bankrupt's Certificate. 114.

See *Certificate*.

Creditors petitioning for a Commission, to give Bond to the Lord Chancellor conditioned to prove their Debts and the Party a Bankrupt. 121.

See *Commission of Bankrupt how awarded*.

Petitioning Creditors to be reimbursed their Expences of suing out Commissions, by the Assignees. 123.

May prove their Debts under a Commission without paying Contribution Money. *ibid*.

No Creditor to vote in the Choice of Assignees, whose Debt amounts not to 10 *l*. 124.

See *Assignees*.

The Creditors may appoint where the Effects of the Bankrupt shall be deposited, till a Dividend is made thereof. 127.

See *Assignees*.

M Credit.

# The TABLE.

## Creditors.

*Mercantile or trade giving credit to bankrupt, shall be divided among the creditors on a rate of 5 per cent. This is a bankruptcy provision & not a common law payment, but which is not the capable of being a common law.*

**Credit.** See **Bills,**  
**Bonds, &c.**  
**Mutual Credit.** See  
**Mutual Debts.**

## Days. Times.

*97. But see 5. 30. 2. 22.*  
*which*  
 37. I. c. 15. Any Creditor within 4 Months after Commission issued, is at Liberty to come in and join with the Rest of the Creditors for the Satisfaction of his Debt. Page 16.

4 & 5 A. c. 17. Bankrupt to surrender himself in 30 Days after Notice that a Commission is issued against him, and he declared a Bankrupt. 37.

5 G. I. c. 24. Like Clause in the Act of 5 Geo. I. cap. 24. 71, 72.

5 G. II. The Bankrupt is allowed 42 Days to appear in. 106.

The Lord Chancellor may enlarge the Time for the Bankrupt's surrendering, not exceeding 50 Days, to be computed from the End of the said 42 Days; so as such Order be made at least 6 Days before the Time, on which such Person was to surrender. 108.

4 & 5 A. c. 17. 5 G. I. c. 24. By these Acts the Lord Chancellor might enlarge the Time to 60 Days, if such Order was

## Days. Times.

made 5 Days before the Time the Bankrupt was to have surrendered.

Page 38, 72.

Persons who have accepted any Trust, or shall protect or conceal any Estate, Real or Personal, of a Bankrupt, shall discover such Estate in Writing to One of the Commissioners within 42 Days after the Commission shall be issued, and Notice given thereof to such Persons. 120.

See *Concealers of Bankrupt's Effects.*

Persons who shall within 60 Days next after the Time allowed to a Bankrupt to surrender, &c. voluntarily make Discovery of any Part of the Bankrupt's Estate, shall be allowed 3 l. per Cent. &c. 42.

Like Clause in the Act of 5 Geor. I. cap. 24. 5 G. I. c. 24.

Like Clause in the Act of 5 Geor. II. with the Allowance of 5 l. per Cent. and no Time limited. 120.

See *Discoverers, &c.*

Bankrupt, after his Certificate confirmed, shall on 14 Days Notice attend the Assignees, &c. and shall be allowed 2 s. 6 d. per

# The TABLE.

## Days. Times.

25. 6 d. per Diem for  
such Attendance.

Page 80.

Like Clause in the Act  
of 5 Geor. II. but no  
Time limited for Notice.

130.

The Assignees ap-  
pointed by the Commis-  
sioners shall, within 10  
Days after Notice, deli-  
ver up to the Assignees  
chosen by the Creditors,  
all the Effects of the  
Bankrupt that shall be  
come into their Hands.

126.

By these Acts the  
Assignees removed were  
allowed 14 Days to  
deliver up the Bank-  
rupt's Effects, &c.

See Assignees, Forfei-  
tures.

The Creditors of any  
Bankrupt against whom  
a Commission had issued  
since the Expiration of  
the Act of 4 & 5 Annæ,  
cap. 17. were by this  
last Act allowed to  
meet upon 40 Days  
Notice given in the  
London Gazette, either  
to allow of, or re-  
move the Assignees cho-  
sen by the Commission-  
ers.

90.

See Assignees.

## Debts and Mu- tual Debts.

*Debts payable as a balance due, made  
receivable by 7. G. I. c. 31. sec. 46.*  
Creditors receiving 19 G. II. }

Debts or Goods of c. 32.  
Bankrupts, without No-  
tice, and in the Course  
of Trade, not obliged  
to refund, &c.

Page 22, 140.

Where there are mu-  
tual Debts between the  
Bankrupt and any other  
Persons, contracted at  
any Time before the  
Person became a Bank-  
rupt, the Commissioners  
shall state the Account  
between them, and One  
Debt may be set against  
the other; and no more  
shall be paid on either  
Side than what shall ap-  
pear to be due on the  
Balance of the Account.

124.

Like Clause in the Act 4 & 5 A.  
of 4 & 5 Annæ, cap. 17. c. 17.

43.

Like Clause in the Act 3 G. I. c. 12.  
of 3 Geor. I. cap. 12.

67.

Like Clause in the Act 5 G. I. c. 24.  
of 5 Geor. I. cap. 24.

77.

## Disability.

If any Commissioner  
shall order any Expence  
to be made for eating  
or drinking at any Meet-  
ing,

M 2

## The TABLE.

### Disability.

ing, out of the Bankrupt's Estate, or at the Charge of the Creditors; or take above the Sum of 20*s.* for each Meeting, he shall be disabled for ever to act as a Commissioner in that or any other Commission founded on the Statutes concerning Bankrupts.

Page 135.

See the Act of 4 & 5  
*Annæ*, cap. 17. 46.

See the Act of 5 *Geor.*  
*I.* cap. 24. 77.

### Discharge of Bankrupts.

All Persons conforming to the Statutes concerning Bankrupts shall be discharged from all Debts by them owing at the Time of their becoming Bankrupts, but their future Effects still liable.

111, 112.

See *Bankrupt, Effects.*

Any One of the Judges of the Court, where Judgement has been obtained against a Bankrupt before his Certificate was allowed and confirmed, taken in Execution and detained in Prison, may on such Bankrupt's producing his Certificate allowed and

### Discharge, &c.

confirmed, order any Sheriff, Bailiff, or other Gaoler having a Bankrupt in Custody by virtue of such Execution, to discharge such Bankrupt out of Custody without Fee; and such Sheriff, &c. is to discharge him accordingly, and is indemnified from any Action for an Escape in so doing.

Page 115.

Like Clause in the Act 6 *G. I.*  
of 6 *Geor. I.* cap. 22. c. 22.  
95.

### Discoverers of Bankrupt's Estate.

Every Person who 5 *G. II.* shall, at any Time after the Time allowed to a Bankrupt to surrender, voluntarily discover before the Commissioners any Part of the Bankrupt's Estate, shall be allowed 5*l.* per Cent. out of the neat Produce of what shall be recovered by such Discovery, to be paid him by the Assignees.

119.

By these Acts the Person discovering, as afore- 4 & 5 *A.*  
said, was allowed only 5 *G. I.*  
3*l.* per Cent. 42, 77. c. 24.

### Description



## The TABLE.

### Description of Bankrupts. See Bankrupts.

10. A. c. 15. All Acts, so far as they relate to the Description of a Bankrupt, in not paying a Debt within 6 Months after Suit, made void; and no Person within the said Description shall, by Reason thereof, be adjudged to be within the Statutes of Bankrupts.

Page 56.

But no Sale of the Estates of any Person within the said Description, or any Distribution of the same by any Commission of Bankruptcy, made before 20 April, 1712, shall be hereby impeached. 56.

### Dividends, how to be made. See Assignees.

5 G. II. Final Dividend to be made in 18 Months.

See *Assignees*.

131

### Drover of Cattle. See Farmer.

### East-India Company.

13 & 14 Car. II. None that adventure in the *East-India* or c. 24.

### East-India Company.

*Guinea* Company, or put their Money into Stock for carrying on the Fishing Trade, and receive their Dividend in Goods, which they sell or exchange, shall, by Reason thereof only, be liable to the Statutes of Bankrupts. Page 32.

No Member of the *East-India* Company shall, in respect of his Stock therein only, be liable to be a Bankrupt within the Meaning of any of the Statutes concerning Bankrupts. 36.

Sir *John Wolstenholme* being an Adventurer in this Company, was by a Verdict given in the King's Bench, Anno 1653, adjudged liable to a Commission of Bankrupt; which Verdict was made void by this Act.

9 & 10 W. III. c. 24.

14 Car. II. c. 24.

33.

But no Sale or Distribution of the Estate of the said Sir *John Wolstenholme* made by the Commissioners, or any claiming under them, shall be hereby impeached. 34.

34.

### Equity.

No Suit in Equity shall be commenced without

M 3 the

5 G. II.

## The T A B L E.

## Equity.

the Consent of the major  
Part in Value of the Cre-  
ditors. *Page 132.*

Estate,      Effects,

13 El. c. 7.

Any Estate or Effects that shall descend, or by any Means come to a Bankrupt, before his Debts are fully satisfied and paid, or otherwise agreed for, shall be expended and disposed of for the Payment of the said Debts. 13.

Any Lands that have been affured by a Bankrupt before he became Bankrupt, shall not be affected by this Act, provided such Assurance be made *bona fide*, and not to the Use of the Bankrupt or his Heirs; and provided the Parties to whom such Assurance was made, be not privy to any fraudulent Purpose of the Bankrupt to deceive his Creditors.

Any Estate or Effects in the Possession of a Bankrupt, whereof he is the reputed Owner at the Time of his becoming a Bankrupt (although before assigned to other Persons upon

## Estate, &amp;c.

good Consideration) shall be sold for the Use of the Creditors. *Page 30.*

Any Estate or Lands  
in Remainder or Reversion belonging to a Bankrupt (except where the Reversion is in the King, &c.) to be disposed of for the Benefit of his Creditors. 30.

Conditional Estates granted or conveyed by a Bankrupt, may be redeemed by the Commissioners before the Time of the Performance of such Conditions, and sold for the Uses aforesaid.

All the Estate and Effects of a Bankrupt condemned as a Felon, shall be divided amongst the Creditors seeking Relief under a Commission of Bankruptcy. 107.

Like Clause in the Act 4 & 5 A.  
of 4 & 5 Annæ, cap. 17. c. 17.

The like Clause in the 5 G. I.  
Act of 5 Geor. I cap. 24. c. 24.

No Persons discharged upon a Second Bankruptcy, after 24 June, 1732, shall be liable to Arrest or Imprisonment; but the future Estate and Effects of such Persons shall remain liable to their Creditors, as before

## The TABLE.

### Estate, &c.

before (the Tools of Trade, necessary Household Goods, and Wearing Apparel excepted) unless the Estate of such Persons when under a Commission of Bankruptcy, was sufficient to pay their Creditors 15 s. in the Pound. Page 112.

**Evidence.** See Record.

### Exchequer Bills.

No Governor, Sub-Governor, Deputy-Governor, or Director of the *South Sea Company*, or any of the Trustees, or other Persons whatsoever, who shall be entrusted or any ways concerned in the Circulation or exchanging of Exchequer Bills pursuant to this Act, shall, for that Cause only, be adjudged to be a Bankrupt within the Meaning of any Statute made against or concerning Bankrupts. 92.

No Contractor, for circulating the Exchequer Bills to be made forth in pursuance of this Act, shall for that Cause only be adjudged liable to be a Bankrupt. 98.

Like Clause in the Act of 9 *Geor. I. cap. 18.* 99.

### Exchequer Bills.

Like Clause in the Act 11 *G. I.* of 11 *G. I. cap. 17.* c. 17.

Page 160.

Like Clause in the 12 *G. I.* Act of 12 *Geor. I. cap. 4.* c. 4.

103.

See Allowances, Commissioners, Disability. *Execution.*

**Factor.** See Banker.

**Farmer, Grazier, Drover of Cattle, Receiver-General of Taxes.**

No Farmer, Grazier, Drover of Cattle, or Receiver - General of Taxes granted by Parliament, shall be entitled as such to the Benefits of this Act, or be deemed a Bankrupt within this or any of the Statutes concerning Bankrupts. 132.

Like Clause in the Act 5 *A. c. 13.* of 5 *Annæ, cap. 13.* 52.

Like Clause in the Act 5 *G. I.* of 5 *Geor. I. cap. 24.* 87. c. 24.

**Fees.** See Allowances, Commissioners, Disability.

The Lord Chancellor 5 *G. II.* shall appoint such Fees

M 4 to

8 *G. I.*  
c. 4.

8 *G. I.*  
c. 20.

9 *G. I.*  
c. 18.

## The T A B L E.

### Fees, &c.

to be paid to the Person by him appointed to enter of Record the Proceedings on Commissions of Bankrupt, as he shall think reasonable, not exceeding what is usually paid in the like Cases. Page 134.

5 G. I.  
c. 24. Like Clause in the Act of 5 G. I. cap. 24. 89.

5 G. II. Bankrupts in Custody on Execution, to be discharged without Fee. 116.

See *Discharge of Bankrupts.*

5 G. II. Bills of Fees for issuing any Commission of Bankrupt shall be settled by a Master in Chancery, who shall receive for settling the same 20s. and no more. 136.

### Felony.

5 G. II. If any Person who since the 14th Day of *May*, 1729, became, or hereafter shall become Bankrupt, and against whom a Commission hath, or hereafter shall issue, whereon he shall be declared a Bankrupt, shall not within 42 Days after Notice thereof in Writing left at his Place of Abode, and Notice in the *London Gazette* of the Time and Place of a

### Felony.

Meeting of the Commissioners, surrender himself to them, and submit to be examined on Oath, or (if a *Quaker*) upon his solemn Affirmation; and conform himself to the several Statutes concerning Bankrupts; and upon such Examination discover how, and upon what Consideration he hath disposed any of his Goods or Estate, and all Books, Papers, and Writings relating thereto, of which he or any Person in Trust for him was possessed at the issuing out of the Commission; and deliver up to the Commissioners all such his Goods, Estate, &c. Books, &c. as at his Examination shall be in his Possession (his, and his Wife's, and Childrens necessary Wearing Apparel only excepted) such Bankrupt in case of wilful Omision of any of the Premises, or in case he shall remove, conceal, or imbezzil any Part of his Estate, Real or Personal, to the Value of 20*l.* or any Books or Writings relating thereto, with an Intent to defraud his Creditors, and being thereof lawfully convicted,



# The T A B L E.

## Felony.

ed, shall be deemed and adjudged guilty of Felony, and suffer as a Felon without Benefit of Clergy. Page 106.

- 4 & 5 A. See the Act of 4 & 5 Anna, cap. 17. 37.  
 c. 17. See the Act of 5 Anna, cap. 13. 47.  
 5 A. c. 13. See the Act of 3 Geor. I. cap. 12. 60.  
 3 G. I. See the Act of 5 Geor. I. cap. 24. 69.  
 c. 12.  
 5 G. I.  
 c. 24.

## Fishing Trade. See East-India Company.

## Foreigners.

- 31 7. I. Foreigners to be subject to, and have the same Benefit from the Statutes made concerning Bankrupts, as the natural born Subjects of this Kingdom. 32.  
 c. 12.

## Forfeitures.

- 5 G. II. The Person of a Bankrupt not liable to Arrest, and if an Officer detains him, he shall forfeit to him 5 l. per Diem. 109.  
 Gaoler suffering a Bankrupt, or other Person committed by the Commissioners, to escape, or go without the Walls of the Prison, for-

## Forfeitures.

feits 500 l. to the Use of the Creditors. Page 119.

See Imprisonment.

Gaoler refusing on Request of a Creditor, to produce and shew to him a Bankrupt, or such other Person in his Custody, forfeits 100 l. for the Use of the Creditors. *ibid.*

See Imprisonment.

Persons having accepted any Trust, and concealing of any Bankrupt's Estate, and not discovering the same within 42 Days after a Commission issues, shall forfeit 100 l. and Double the Value of the Estate concealed for the Use of the Creditors. 120

See Concealers of Bankrupt's Effects.

The Assignees chosen by the Commissioners, refusing to deliver and assign to the Assignees chosen afterwards by the Creditors, all the Estate and Effects of the Bankrupt, which shall be come to their Hands, every such Assignee shall forfeit 200 l. for the Uses aforesaid. 126.

See Assignees.

The like Clause in the Act of 5 Geor. I. cap. 24. 85,

Any Creditor privately receiving of a Bankrupt

# The TABLE.

## Forfeitures.

rupt any Goods or Security whereby he shall have more in the Pound than the other Creditors, in Consideration of suing out a Commission, shall forfeit the whole.

Page 128. 129.

See *Commissions super-  
feded.*

## Gaming.

5 G. II.

Nothing in this Act shall extend to grant any Privilege to a Bankrupt who has lost in One Day the Value of 5 l. or in the whole the Value of 100 l. within 12 Months next preceding his becoming a Bankrupt, in playing at Cards, Dice, Tables, Tennis, Bowls, Shovel-board; or by Cock-Fighting, Horse-Races, or any other Pastime or Game whatsoever; or by bearing a Part in the Stakes or Wagers, or by betting on the Sides of such as do play, act, ride, or run; or by Contracts for Stock, &c.

141.

4 & 5 A.  
c. 17.

Like Clause in the Act of 5 Annæ, cap. 17.

44.

5 G. I.  
c. 24.

Like Clause in the Act of 5 Geor. I. cap. 24.

82.

## Gazette.

Publick Notice to be given therein of all Meetings and Proceedings of the Commissioners, Assignees, &c.

Page 123, &c.

**Gaoler.** See **Imprisonment.**

**Goods.** See **Estate.**

**Grasier.** See **Farmer.**

## Guild-hall.

Appointed for the Meeting of the Commissioners and Assignees, &c. for the City of London and Bills of Mortality.

128.

**Guinea Company.**  
See **East-India Company.**

**Habeas Corpus.**  
See **Imprisonment, Witness.**

## Imprisonment.

Upon Certificate under the Hands and Seals of the Commissioners that a Person is proved

a

## The T A B L E.

### Imprisonment.

a Bankrupt, the Judges of the Courts of *Westminster*, and all Justices of Peace are to grant their Warrant for apprehending such Person, and to commit him to the Gaol of the County where taken, there to remain, till released by the Order of the Commissioners by Warrant under their Hands and Seals. The Gaoler is required to receive such Person into his Custody, and forthwith to give Notice thereof to One of the Commissioners, who are to send their Warrant for the delivering of such Bankrupt to the Persons authorized thereby to convey him to them to be examined. Page 116.

17. I. c. 15. A like Clause in the Act of 1 Jac. I. cap. 15.

5 G. II.

Persons summoned to appear before the Commissioners to be examined as Witnesses, and neglecting or refusing to appear; or appearing, refuse to be sworn (or if *Quakers*) to take the Affirmation; or being sworn, &c. refuse to answer, the Commissioners may commit such Persons to Prison without

### Imprisonment.

Bail or Mainprize, till they submit to answer upon Oath, &c.

Page 118.

See *Witness*.

If any Gaoler wilfully suffer a Bankrupt or other Person so committed to his Custody, to escape or go without the Walls of the Prison, till discharged, he shall forfeit 500*l.* for the Use of the Creditors. 119.

The Gaoler, on Request of any Creditor who hath proved his Debt, and shall produce a Certificate thereof under the Hands of the Commissioners, shall forthwith shew the Person so committed to him, to such Creditor; which if he refuse to do, he shall forfeit 100*l.* to be recovered by Action of Debt in any of the Courts of Record at *Westminster*, in the Name of the Creditor requesting such Sight of such Prisoner: Which Forfeiture shall be divided amongst the Bankrupt's Creditors. 119.

If a Bankrupt, after his Certificate signed and confirmed, shall, on reasonable Notice given him, neglect or refuse to attend the Assignees

in

# The TABLE.

## Imprisonment.

in order to settle Accounts between him and his Creditors, or to attend any Court of Record to be examined touching the same; on Proof thereof made by the Assignees before the Commissioners, these last are to issue their Warrant for apprehending such Bankrupt, and commit him to the County Gaol without Bail or Mainprize, till he submit to be examined, and duly conform to the Satisfaction of the said Commissioners, and be by them, or by special Order of the Lord Chancellor, or otherwise by due Course of Law discharged; and the Gaoler shall keep such Bankrupt in close Custody within the Walls of the Prison till discharged, under the Pains and Penalties before mentioned for such Gaoler's suffering such Prisoner to escape and go at large.

Page 131.

Every Person that shall willingly help to imbezil, or convey away any of the Bankrupt's Goods, knowing him to be a Bankrupt, shall suffer such Penalties by Imprisonment, as the

## Imprisonment.

Lords Commissioners shall think fit. Page 11.

Every Person that shall <sup>13 El. c. 7.</sup> wittingly conceal or receive a Bankrupt after he is demanded by Proclamation shall suffer such Penalties by Imprisonment as the Lord Chancellor, &c. shall think fit. 12

If a Bankrupt refuse <sup>17 J. 1. c. 15</sup> to be examined, or to answer fully to the Interrogatories of the Commissioners, they may commit him to Prison, there to remain till he conforms himself. 18.

If a Bankrupt or other <sup>5 G. 1. c. 24</sup> Person committed to Prison by the Commissioners be removed by *Habeas Corpus*, the Gaoler of the Prison to which he shall be committed, shall keep such Prisoner within the Walls of the Prison till discharged.

<sup>75.</sup> If any Person be im- <sup>5 G. 11.</sup> prisoned by the Commissioners for refusing to answer, &c. the Commissioners are in their Warrant of Commitment particularly to specify the Question or Questions. 118.

If a *Habeas Corpus* be brought upon such Commitment, the Judge may recommit



# The TABLE.

## Imprisonment.

recommit the Prisoner.  
Page 118.  
See *Witness*.

## Insolvent Debtors,

6 G. I.  
c. 22.

No Person against whom a Commission of Bankrupt hath been awarded, shall have any Benefit by this Act. 94.

11 G. I.  
c. 21.

No Person against whom a Statute of Bankrupt hath been awarded, shall receive any Benefit by this Act, except for such Debts as have been contracted since the Date of such Statute. 101.

Judges. See Certificate, Imprisonment.

## Judgment.

11 J. I.  
c. 19.

Or any other Security without an Execution or Extent served upon the Bankrupt's Estate before that he became a Bankrupt, shall be no Relief to the Creditor possessed of the same. 29.

14 Car. II.  
c. 44.

The Judgment against Sir John Wolstenholme

## Judgment.

given Anno 1653, declared void. Page 33.  
See *East-India Company*.

Justices of the Peace. See Imprisonment.

## Marriage Contract.

This Act shall give, G. II. no Benefit or Advantage to any Bankrupt who on Marriage of any of his Children hath given above the Value of 100 l. unless he can prove by his Books fairly kept, or otherwise upon Oath, that he had at the Time thereof, over and above the Value given, in Goods, Wares, &c. or other Estate Real or Personal, sufficient to satisfy his Creditors their full Debts. 114.

Like Clause in 4 & 5 4 & 5 A. Anna, cap. 17. 43. c. 17.

Like Clause in 5 Geor. 5 G. I. I. cap. 24. 81. c. 24.

## Masters in Chancery.

Impowered to administer Oath to the Bankrupts. 5 G. II. 108. To

# The T A B L E.

## Masters, &c.

To the Petitioners for  
a Commission of Bank-  
ruptcy. *Page* 121.

To Persons acting by  
Letter of Attorney from  
any Creditor. 124.

To settle Bills of Fees. 136.

See *Fees*.

## Mutual Credit.

See *Debts*.

## Oath.

21 *J. I.*  
*c. 19.*

Bankrupt's Wife to be  
examined upon Oath. 27.

5 *G. II.*

Bankrupt shall submit  
to be examined upon  
Oath, or (being a *Qua-*  
*ker*) on Affirmation. 106.

2 *J. I.*  
*c. 15.*

The First Part of this  
Clause in the Act of 1  
*Jac. I. c. 15.* 18.

4 & 5 *A.*  
*c. 17.*

The First Part of this  
Clause in 4 & 5 *Annæ,*  
*cap. 17.* 37.

5 *G. II.*

The Commissioners  
may examine Witnesses  
on their Oaths. 117.

See *Witness*.

Bankrupt to make  
Oath, that the Certifi-  
cate of his having con-  
formed, &c. was obtain-  
ed fairly and without  
Fraud. 113.

The Assignees shall  
make Proof upon Oath

## Oath.

before the Commission-  
ers, of the Bankrupt's  
refusing to attend them,  
in order to settle Ac-  
counts, &c. *Page* 131.

The Commissioners  
shall admit the Proof of  
any Creditor's Debt,  
who lives remote from  
the Place of their Meet-  
ing, by Affidavit. 124.

Proof must be made  
upon Oath (either be-  
fore a Master in Chan-  
cery, or before the Com-  
missioners *viva voce*) of  
the due Execution of a  
Letter of Attorney from  
any Creditor, to autho-  
rize another Person to  
vote for him in the  
Choice of Assignees. *ibid.*

No Commissioner ca-  
pable of acting till sworn. 136.

The Form of the  
Oath. *ibid.*

Which Oath any Two  
of the Commissioners  
may administer to the  
others in the same Com-  
mission named; and  
they are to keep a Me-  
morial thereof signed by  
themselves, among the  
Depositions, and other  
Proceedings on each  
Commission. *ibid.*

Like Clause in the 5 *G. I.*  
Act of 5 *Geo. I. cap. 24. c. 24.*

91.  
The

# The T A B L E.

## Oath.

34 & 35.  
H. VIII.  
c. 4.

The Lord Chancellor, &c. may examine Persons suspected of concealing any of the Bankrupt's Effects, or of being indebted to him, upon their Oaths.

Page 2.

See *Concealers of Bankrupt's Estate.*

5 G. II.

Books of Accounts to be delivered to the Assignees upon Oath. 108.

Creditors petitioning for a Commission shall make Oath, or Affirmation, in Writing, of the Truth and Reality of their Debts. 121.

Assignees to deliver in their Accounts of the Bankrupt's Estate upon Oath, if required. 128.

**Officer.** See *Arrest.*

## Partners with Bankrupts.

10 A. c. 15.

The Discharge of a Bankrupt by virtue of any Act relating to Bankrupts, shall not discharge any Person who was his Partner in Trade at the Time he became Bankrupt; or who stood jointly bound, or had made any joint Contract with him for the same Debt from which he

## Partners, &c.

was discharged; but notwithstanding such Discharge, such Partner shall stand liable.

Page 57.

## Penalty.

Of Persons refusing to obey Commissioners Summons.

See *Witness, Concealers, &c.*

Of a Bankrupt not yielding himself after Proclamation, and of such as entertain or conceal him. 12.

See *Bankrupt, Imprisonment.*

Of an Officer detaining a Bankrupt during the Time of his being under Examination.

See *Arrest, Forfeitures.*

Penalty of a Creditor fraudulently obtaining a Commission.

See *Commission superseded.*

Of Assignees chosen by the Commissioners not delivering up Bankrupt's Estate to the Assignees chosen by the Creditors.

See *Forfeitures, Assignees.*

Of Persons concealing Bankrupts Estate.

See *Concealers of Bankrupts Estate.*

Any

## The TABLE.

### Penalty.

5 G. II.

Any Person deposing or affirming that any Sum of Money is due to him, which is not really due; or swearing or affirming that more is due, than really is; shall suffer the Pains and Penalties of wilful Perjury, and forfeit Double the Sum demanded, for the Use of the Creditors.

*Petitioning Creditor, See Creditor* Page 125.

**Receiver General of Taxes.** See Farmer.

### Record.

5 G. II.

On the Petition of any Person, the Lord Chancellor may order the Commission, the Depositions proving the Bankruptcy, the Proceedings thereupon, the Certificates, and other Matters to be entered of Record; and in case of the Death of Witnesses, or if the Commission, &c. be lost or mislaid, a true Copy of the Record may be given in Evidence; and be a full and effectual Bar and Discharge of any Action brought by any Creditor of a Bankrupt for any Debt or Demand due before the

### Record.

issuing of the Commission, unless the Creditor can prove that such Certificate was fraudulently obtained. And the Lord Chancellor shall appoint a Place near the Inns of Court where the Commissions, Depositions, Certificates, &c. shall be entered of Record, where all Persons shall be at Liberty to search; and shall by Writing under his Hand appoint a Person, who by himself or his Deputy (to be appointed likewise by the Lord Chancellor) shall enter of Record all Commissions, &c. and have the Custody of the Entries. And the Lord Chancellor shall also appoint such Fee or Reward to be paid to such Person for his Pains, as he shall think fit. And such Person, or his Deputy, shall continue to enter of Record all such Matters, &c. so long as they behave themselves well; and shall not be removed but by Order in Writing under the Hand of the Lord Chancellor, who, in Case of Death or Removal, shall appoint another in his Room.

Page 133.

Lik



# The TABLE.

## Record.

5 G. I.  
c. 24. Like Clause in 5 Geor.  
I. cap. 24. Page 88.

## Securities.

5 G. II. Of any Kind given to  
a Creditor to induce him  
to sign the Certificate  
shall be void. 114.  
See *Void*.

## Seizure.

The Commissioners  
may by Warrant seize  
the Goods, Wares, Mer-  
chandizes, and Effects  
of a Bankrupt (his ne-  
cessary Wearing Appa-  
rel, and that of his Wife  
and Children only ex-  
cepted) and all his  
Books, Papers, and  
Writings in his own,  
or any other's Custody,  
or in any Prison whatso-  
ever. 116.

34 & 35  
H. VIII.  
c. 4. See the Act of 34 &  
35 H. VIII. cap. 4.

13 El. c. 7. See the Act of 13 Eliz.  
cap. 7. 1, 2.  
6, 7.

17 J. I.  
c. 15. See the Act of 1 Jac. I.  
cap. 15. 14.

21 J. I.  
c. 19. Like Clause in 21 Jac.  
I. cap. 19. 28.

4 & 5 A.  
c. 17. Like Clause in 4 & 5  
Anne, cap. 17. 40.

5 G. I.  
c. 24. Like Clause in 5 Geor.  
I. cap. 24. 73.

**Sheriff.** See Dis-  
charge of Bank-  
rupts.

**South-Sea Com-  
pany.**

No Member of this 9 A. c. 21.  
Company shall, in re-  
spect of his being a  
Member, Governor, Di-  
rector, or Manager  
thereof, or having any  
Stock therein only, or  
by Reason of any other  
Matter in this Act con-  
tained, be liable to be a  
Bankrupt. Page 54.

Like Clause in 3 Geor. 3 G. I.  
I. cap. 9. 59. c. 9.

No Person in respect  
of his being a Governor, 5 G. I.  
&c. of the said Compa-  
ny, or by reason of his  
being named or acting  
as a Manager, Director,  
or otherwise, for taking  
in the voluntary Sub-  
scriptions of the Proprie-  
tors of the Lottery  
Tickets made forth for  
the Service of the Year  
1710, or for any other  
Matter or Thing to be  
by him done in pursu-  
ance of this Act only,  
shall be liable to be a  
Bankrupt. 68.

See *Exchequer Bills*.

N Statutes

# The TABLE.

## Statutes against Bankrupts.

21 J. I.  
c. 19.

To be beneficially explained for the Use of the Creditors. Page 24.  
To extend to Foreigners. 32.

See *Foreigners*.  
See *Description of Bankrupts*.

## Void.

5 G. II.

Every Bond, Bill, Note, Contract, Agreement, or other Security given by a Bankrupt for the Use of any Creditor, or for the Payment of any Debt due from such Bankrupt at the Time of his becoming Bankrupt, between that Time and his Discharge, as a Consideration or with Intent to persuade such Creditor to sign his Allowance or Certificate, shall be void, and the Money agreed to be paid, shall not be recoverable; and the Person sued on such Bond, &c. may plead the General Issue, &c. 114.

5 A. c. 22.

Like Clause in 5 *Annæ*, cap. 22. 49.

5 G. I.  
c. 24.

Like Clause in 5 *Geor.* I. cap. 24. 80.

## Witness.

Allowed Costs. 1 J. I.

Page 26. c. 15.

Convicted of wilful Perjury to suffer such Penalties as are limited by the Stat. of 5 *Eliz.* c. 9. 21.

See *Concealers of Bankrupts Effects*.

The Commissioners 5 G. II. may send for and call before them by Warrant, Summons, or otherwise, as they shall think fit, such Persons as they are informed or believe can give Information of any Act of Bankruptcy committed by any Person against whom a Commission is issued, and examine them on their Oaths, or otherwise: And if any Person, upon Payment or Tender of reasonable Charges, shall neglect, or refuse to appear; or being come, shall refuse to be sworn, or (being a *Quaker*) to take the solemn Affirmation; or being sworn, or having taken such Affirmation, shall refuse to answer; the Commissioners may by Warrant commit such Offender to Prison, there to remain without Bail or

# The TABLE.

## Witness.

or Mainprize till he submit to answer. Page 117.

Like Clause in 4 & 5

*Annæ*, cap. 17. 39.

Like Clause in 5 *Geor.*

I. cap. 24. 74.

See *Imprisonment*.

Witnesses to sign their Examination taken before the Commissioners. 117.

If a Witness committed by a Warrant from the Commissioners, bring a *Habeas Corpus* to be discharged from such Commitment, the Judge, before whom the Party

## Witness.

shall be brought, may remand him back to Prison, unless it be made appear, that the Party so committed, has answered all lawful Questions of the Commissioners, or has a good and sufficient Reason for not signing his Examination. 118.

*Young given to common & to examine as the judge touching made dealings collect*  
The Case of Sir

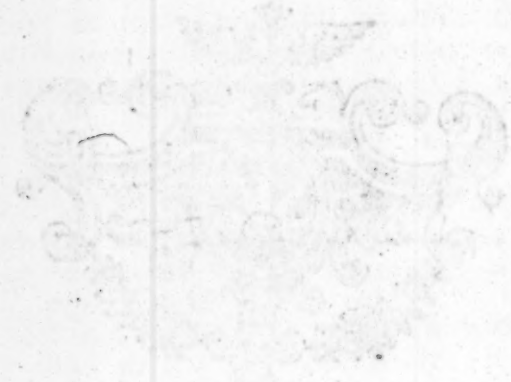
John Wolstenholme. See *East India Company*.  
*effect of bank-rupt & any act of bankruptcy by him. 187. See also g. 10. 18. 19. 20.*



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THE T A B L E



A FORM of a BANKRUPT'S  
Certificate, and of the Three  
First *Advertisements* after issu-  
ing the Commission, in pursu-  
ance of the Act for preventing  
the committing of FRAUDS  
by BANKRUPTCY.

To the Right Honourable PHILIP Earl of  
*Hardwicke*, Lord High Chancellor of Great  
Britain.



E. A. B. C. D. E. F. G. H. and I. K.  
or the major Part of us, whose Names  
are subscribed, and Seals set, the Com-  
missioners named and authorized in  
and by a Commission of Bankrupt,  
awarded against *L. M.* of  
in the County of bearing

Date at *Westminster*, the  
Day of in the Year of the Reign  
of our Sovereign Lord King *George* the Second, having  
begun to put the said Commission into Execution, and  
found that the said *L. M.* did, before the Date and  
suing forth of the said Commission, and since the 14th  
Day of *May*, 1729, become a Bankrupt within the true  
Intent and Meaning of some or One of the Statutes  
made, and now in Force, concerning Bankrupts, do  
humbly certify to your Lordship, That the said *L. M.*  
did on the Day of *Anno Dom.*  
175 surrender himself to us, or the major Part of us,  
pursuant

*To be varied if  
the Bankrupt  
be a Quaker.*

purſuant to Notice in the *London Gazette* for that Purpoſe given, and did ſign or ſubſcribe ſuch Surrender, and did ſubmit himſelf to be examined from time to time, upon Oath, by, and before us, or the major Part of us, and in all Things did conform himſelf to the ſeveral Statutes made, and now in Force, concerning Bankrupts, and particularly to the Act made in the 5th Year of His preſent Maſteſty's Reign, intituled, *An Act to prevent the committing of Frauds by Bankrupts*; Whereupon, and for the better Diſcovery of the Eſtate and Effects of the ſaid *L. M.* and putting the ſaid Acts and the ſaid Commiſſion in Execution, we, or the major Part of us, have had Three or more ſeveral Meetings upon the ſaid Commiſſion, for the Examination of the ſaid *L. M.* and cauſed due Notice to be publiſhed in the *London Gazette*, of the Time and Place, when and where we intended to meet, for taking ſuch Surrender and Examination, and for the ſaid Bankrupt's delivering up his Eſtate and Effects, and all Books, Papers, and Writings relating thereto; and for the Creditors of the ſaid *L. M.* to prove their Debts before us at ſuch Meetings; at which Meetings the ſaid *L. M.* hath been examined, from time to time, upon Oath, by and before us, or the major Part of us, according to the Direction of the ſaid laſt mentioned Act. And we likewiſe gave Notice in the *London Gazette* of the Time and Place when and where we intended to meet for the ſaid *L. M.* to finiſh his Examination before us, and that ſuch of his Creditors as had not proved their Debts before us, might at ſuch Meeting prove the ſame, and be preſent at his finiſhing his ſaid Examination, and ſhew Cauſe why we ſhould not make this Certificate, in order for the ſaid *L. M.*'s. being diſcharged from all his Debts, according to the ſaid laſt mentioned Act. And we further humbly certify unto Your Lordſhip, That the ſaid *L. M.* did at the Time and Place appointed for his laſt Examination, attend us, or the major Part of us, and finiſh his Examination before us, according to the Direction of the ſaid laſt mentioned Act: And that none of the Creditors of the ſaid *L. M.* who have proved their Debts before us, or the major Part of us, have ſhewn any Cauſe againſt our making this Certificate. And we do further humbly certify unto Your Lordſhip, That the ſaid *L. M.* hath, upon ſuch his Examination, made a full Diſcovery of his Eſtate and

and Effects to us, or the major Part of us, and in all Things conformed himself to the several Statutes made, and now in Force, concerning Bankrupts, and particularly according to the Direction of the said last mentioned Act; and that there doth not appear to us any Reason to doubt of the Truth of such Discovery, or that the same is not a full Discovery of all the Estate and Effects of the said *L. M.* And we further humbly certify, That the Creditors, whose Names or Marks are subscribed or set, are full Four Parts in Five, in Number and Value, of the Creditors of the abovenamed *L. M.* and that they are Creditors for not less than Twenty Pound respectively, and have duly proved their Debts under the said Commission. And lastly, we humbly certify, That it doth appear to us, upon due Proof, that all the said Creditors have already signed or set their Marks to this Certificate, testifying their Consent to such Allowance, as by the said last mentioned Act is made to Bankrupts, and to this Certificate, and to the said Bankrupt's Discharge from his Debts, in Pursuance of the same Act. In Witness whereof, we, or the major Part of us, have hereunto set our Hands and Seals this

Day of

**W**E the Creditors of the abovenamed *L. M.* whose Names are subscribed, and who have signed the abovementioned Certificate, do testify and declare our Consent to the Commissioners signing the said Certificate, and that the said *L. M.* may have such Allowance and Benefit, as are given to Bankrupts by the Act of Parliament last abovementioned, and that he be discharged from his Debts, in Pursuance of the same Act.

---

**W**Hereas a Commission of Bankruptcy hath been *First Notice.* awarded against *L. M.* of and he hath been declared a Bankrupt, Notice is hereby given, in Pursuance of the Act of Parliament, intituled, *An Act to prevent the committing of Frauds by Bankrupts*; That he do surrender himself to the Commissioners, to be examined touching his Estate and Effects, on the

and

Days

( 4 )

*Forty two Days* Days of instant; and on the  
*Notice, the Sit-* Day of next at  
*tings to be 10 or* at Three of the Clock in the Afternoon of the said  
*11 Days asun-* Days, and do deliver up his Estate and Effects. At  
*der, and the* which Sittings, the Creditors are to come prepared to  
*last Meeting to* prove their Debts; and at the Second of the said Sit-  
*be on the 42d* tings, the Creditors are to choose Assignees; and at the  
*Day.* last of the said Sittings, the said Bankrupt is to finish  
his Examination. And all Persons who are indebted to  
the said Bankrupt, or have any Lands, Goods, or Ef-  
fects of his, or in Trust for him, in their Hands, are to  
give Notice thereof to Mr.

*The Clerk of  
the Commission.*

*Second Notice.*

Whereas *L. M.* late of  
a Bankrupt, hath, pursuant to Notice, surrendered him-  
self to the Commissioners, and hath been examined by  
and before them, touching his Estate: This is to give  
Notice, That *Monday* the Day of  
at Three of the Clock in the Afternoon,  
at is appointed for the said Bankrupt to  
finish his Examination, when and where the Creditors  
are to prove their Debts, and to assent to, or dissent  
from the Certificate, to the Right Honourable the Lord  
High Chancellor of *Great Britain*, proposed by the Com-  
missioners, of his having in all Things conformed him-  
self to the several Acts concerning Bankrupts.

*Third Notice.*

Whereas the acting Commissioners, in a Commission  
of Bankruptcy issued against *L. M.* of  
a Bankrupt, have certified to the Right Honourable  
the Lord High Chancellor of *Great Britain*, That the  
said Bankrupt hath, in all Things, conformed himself  
according to the Directions of the several Acts of Par-  
liament concerning Bankrupts: This is to give Notice,  
That his Certificate will be allowed and confirmed, as  
is directed by the last mentioned Act, unless Cause be  
shewn to the contrary, on or before the  
Day of next.

F I N I S.







